

MAY 2023

FINAL ENVIRONMENTAL IMPACT REPORT

PIRAEUS POINT

Case No.: MULTI-005158-2022; CDP-005161-2022;
SUB-005159-2022; SUB-005391-2022; and DR-005160-2022

SCH No. 2022050516



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

Preparer:
Michael Baker International
5050 Avenida Encinas, Ste 260
Carlsbad, CA 92008



This page left blank intentionally.

FINAL ENVIRONMENTAL IMPACT REPORT

PIRAEUS POINT

Case No.: MULTI-005158-2022; CDP-005161-2022;
SUB-005159-2022; SUB-005391-2022; and DR-005160-2022

SCH No. 2022050516

Lead Agency:



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

Preparer:

Michael Baker

I N T E R N A T I O N A L

Michael Baker International
5050 Avenida Encinas, Suite 260
Carlsbad, CA 92008

MAY 2023

This page intentionally left blank.

P Preface and Responses to Comments

P.1 Introduction..... P-1
P.2 Organization of the Final EIR..... P-1
P.3 CEQA Process Summary P-2
P.4 Changes to the Draft EIR P-3
P.5 Comment Letters and Responses to Comments..... P-4

ES Executive Summary

Introduction..... ES-1
Purpose of the Environmental Impact Report ES-1
Project Synopsis ES-2
Issues Raised During Scoping ES-3
Summary of Project Alternatives ES-~~37~~[42](#)

1.0 Introduction

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

2.0 Project Description

2.1 Project Overview and Location 2.0-1
2.2 Project Objectives 2.0-3
2.3 Project Components..... 2.0-4
2.4 General Plan Land Use and Zoning 2.0-12
2.5 Environmental Setting..... 2.0-12
2.6 Required Approvals 2.0-14

3.0 Environmental Analysis

3.1 Aesthetics..... 3.1-1
3.2 Air Quality..... 3.2-1
3.3 Biological Resources..... 3.3-1
3.4 Cultural Resources..... 3.4-1

Table of Contents

3.5 Energy Conservation and Climate Change 3.5-1

3.6 Geology and Soils 3.6-1

3.7 Hazards and Hazardous Materials..... 3.7-1

3.8 Hydrology and Water Quality 3.8-1

3.9 Land Use and Planning 3.9-1

3.10 Noise..... 3.10-1

3.11 Public Services and Recreation 3.11-1

3.12 Transportation..... 3.12-1

3.13 Tribal Cultural Resources 3.13-1

3.14 Utilities and Services Systems 3.14-1

3.15 Wildfire..... 3.15-1

4.0 Effects Found Not to Be Significant

4.1 Agriculture and Forestry Resources 4.0-1

4.2 Mineral Resources..... 4.0-3

4.3 Population and Housing 4.0-4

5.0 Alternatives

5.1 Introduction..... 5.0-1

5.2 Project Objectives 5.0-2

5.3 Impacts of the Proposed Project..... 5.0-2

5.4 Alternatives to the Proposed Project..... 5.0-3

5.5 Alternatives Considered but Rejected 5.0-31

5.6 Environmentally Superior Alternative..... 5.0-~~34~~37

6.0 Other CEQA Considerations

6.1 Significant and Unavoidable Impacts 6.0-1

6.2 Significant and Irreversible Environmental Changes 6.0-2

6.3 Growth-Inducing Impacts..... 6.0-3

7.0 Preparers and Persons Consulted

7.1 Environmental Impact Report..... 7.0-1

7.2 Technical Studies..... 7.0-1

8.0 References 8.0-1

LIST OF TABLES

Table ES-1	Environmental Impact Summary	ES-7
Table ES-2	Comparison of Alternative Project Impacts to the Proposed Project	ES- 374 21
Table 1.0-1	CEQA-Required Sections and Location in the EIR	1.0-8
Table 2.0-1	Residential Land Use Summary	2.0-4
Table 2.0-2	Anticipated Construction Schedule	2.0-10
Table 2.0-3	Required Approvals and Permits	2.0-15
Table 3.0-1	Cumulative Projects	3.0-4
Table 3.0-2	Housing Element Update Sites	3.0-6
Table 3.1-1	Viewer Groups and Anticipated Exposure	3.1-3
Table 3.2-1	Criteria Air Pollutants Summary of Common Sources and Effects	3.2-3
Table 3.2-2	Ambient Air Quality Standards	3.2-4
Table 3.2-3	San Diego Air Basin Attainment Status by Pollutant	3.2-6
Table 3.2-4	Screening Thresholds for Criteria Pollutants	3.2-8
Table 3.2-5	Expected Construction Emissions Summary (pounds per day)	3.2-13
Table 3.2-6	Long-Term Operational Air Emissions	3.2-15
Table 3.3-1	Vegetation Communities and Land Covers within the Survey Area	3.3-4
Table 3.3-2	Impact Acreages of Vegetation Communities and Land Cover Types within the Project Site	3.3-39
Table 3.3-3	Summary of Existing Sensitive Natural Communities, Impacts, and Mitigation	3.3-40
Table 3.5-1	Portfolio Percentages for SDG&E 2020 Renewable Portfolio Standard	3.5-3
Table 3.5-2	Electricity Consumption in San Diego County 2010-2020	3.5-3
Table 3.5-3	Anticipated Construction Equipment	3.5-17
Table 3.5-4	Expected Construction CO ₂ e Emissions (MT/Year)	3.5-18
Table 3.5-5	Operational GHG Emissions (MT/Year)	3.5-19
Table 3.5-6	Project Consistency with CARB Scoping Plan	3.5-22
Table 3.5-7	Project Consistency with Scoping Plan Local Actions	3.5-25
Table 3.5-8	Project Consistency with SANDAG’s San Diego Forward: The Regional Plan	3.5-27
Table 3.7-1	Environmental Database Records Search Results	3.7-4
Table 3.8-1	Peak Flow Rate Comparison – Unmitigated (100 Year, 6 Hour)	3.8- 162 1
Table 3.8-2	Peak Flow Rate Comparison – Mitigated (100 Year, 6 Hour)	3.8-21
Table 3.10-1	Definitions of Acoustical Terms	3.10-3
Table 3.10-2	Measured Ambient Noise Levels	3.10-7
Table 3.10-3	Land Use Compatibility for Community Noise Environments	3.10-12
Table 3.10-4	City of Encinitas Exterior Noise Limits	3.10-14
Table 3.10-5	City of Encinitas Ground Vibration Limits	3.10-14
Table 3.10-6	Construction Noise Levels	3.10-16
Table 3.10-7	Project HVAC Noise Levels (Eastern Property Line)	3.10-18
Table 3.10-8	Vibration Levels from Construction Activities (Nearest Receptors)	3.10-26
Table 3.11-1	City of Encinitas Emergency Responses (2018)	3.11-1
Table 3.11-2	Existing Parks, Beaches, and Open Space	3.11-3

Table of Contents

Table 3.11-3	Estimated Student Generation	3.11-11
Table 3.11-4	School Capacity	3.11-12
Table 3.11-5	Available Parkland and Demand	3.11-14
Table 3.12-1	Significance Thresholds.....	3.12-10
Table 3.12-2	Project Trip Generation	3.12-13
Table 3.12-3	VMT Impact Analysis.....	3.12-14
Table 3.12-4	TDM Reduction Calculation	3.12-15
Table 3.12-5	VMT-Related Impact After Mitigation	3.12-17
Table 3.14-1	SDWD Population - Current and Projected.....	3.14-2
Table 3.14-2	Total Water Demand in Acre-Feet per Year	3.14-2
Table 3.14-3	Normal Year, Single-Dry Year, and Multiple-Dry Years Supply and Demand Comparison in Acre-Feet per Year	3.14-3
Table 3.14-4	Sewer Generation Calculations.....	3.14-16
Table 4.3-1	Population and Housing Projections - City of Encinitas.....	4.0-5
Table 5.0-1	Comparison of Alternative Project Impacts to the Proposed Project	5.0-4

LIST OF FIGURES

Figure 2.0-1 Regional/Local Vicinity Map 2.0-17

Figure 2.0-2 Aerial Photograph/Surrounding Land Uses 2.0-19

Figure 2.0-3 Conceptual Site Plan 2.0-21

Figure 2.0-4A Representative Elevations – Building A 2.0-23

Figure 2.0-4B Representative Elevations – Building C 2.0-25

Figure 2.0-4C Representative Elevations – Building E-2 2.0-27

Figure 2.0-4D Representative Elevations – Building F 2.0-29

Figure 2.0-4E Representative Elevations – Building G 2.0-31

Figure 2.0-5A Conceptual Landscape Plan 2.0-33

Figure 2.0-5B Conceptual Landscape Plan 2.0-35

Figure 2.0-6 Wall and Fencing Plan 2.0-37

Figure 3.0-1 Cumulative Projects Map 3.0-7

Figure 3.1-1A Scenic Resources 3.1-15

Figure 3.1-1B Key View Map 3.1-17

Figure 3.1-2A Key View 1 – View from Southwest Corner of Piraeus Street and Plato Place
(Existing View) 3.1-19

Figure 3.1-2B Key View 1 – View from Southwest Corner of Piraeus Street and Plato Place
(Proposed View) 3.1-21

Figure 3.1-3A Key View 2 – View from Plato Place Near Southeastern Portion of the Project Site
(Existing View) 3.1-23

Figure 3.1-3B Key View 2 – View from Plato Place Near Southeastern Portion of the Project Site
(Proposed View) 3.1-25

Figure 3.1-4A Key View 3 – View from 1690 Gascony Road
(Station White; Existing View) 3.1-27

Figure 3.1-4B Key View 3 – View from 1690 Gascony Road
(Station White; Proposed View) 3.1-29

Figure 3.1-5A Key View 4 – View from Southbound Interstate 5 Looking East (Existing View)
..... 3.1-31

Figure 3.1-5B Key View 4 – View from Southbound Interstate 5 Looking East (Proposed View)
..... 3.1-33

Figure 3.1-6 Conceptual View – Street Perspective 3.1-35

Figure 3.1-7 Conceptual View – Pool Area 3.1-37

Figure 3.1-8 Conceptual View – Street Perspective 3.1-39

Figure 3.3-1 Biological Study Area/Impacts 3.3-5

Figure 3.3-2 Vegetation Communities and Land Cover Types 3.3-7

Figure 3.3-3 Biological Survey Results - Plants 3.3-9

Figure 3.3-4 Biological Survey Results - Wildlife 3.3-11

Figure 3.8-1 Hydrology – Existing Condition 3.8-17

Figure 3.8-2 Hydrology – Proposed Condition 3.8-19

Figure 3.10-1 Noise Measurement Locations 3.10-9

Figure 3.10-2 Proposed HVAC Locations 3.10-21

Figure 3.10-3 Proposed Noise Barrier Locations 3.10-23

Table of Contents

Figure 3.15-1A Brush Management Plan.....	3.15-21
Figure 3.15-1B Brush Management Plan	3.15-23
Figure 5.0-1A Reduced Development Footprint Alternative - View from Southwest Corner of Piraeus Street and Plato Place (Existing View)	5.0-15
Figure 5.0-1B Reduced Footprint Alternative - View from Southwest Corner of Piraeus Street and Plato Place (Proposed View)	5.0-17
Figure 5.0-2A Reduced Development Footprint Alternative – View from Plato Place Near Southeastern Portion of the Project Site (Existing View)	5.0-19
Figure 5.0-2B Reduced Development Footprint Alternative – View from Plato Place Near Southeastern Portion of the Project Site (Proposed View)	5.0-21
Figure 5.0-3A Reduced Development Footprint Alternative – View from 1690 Gascony Road (Station White; Existing View)	5.0-23
Figure 5.0-3B Reduced Development Footprint Alternative – View from 1690 Gascony Road (Station White; Proposed View)	5.0-25
Figure 5.0-4A Reduced Development Footprint Alternative – View Looking East from I-5 (Existing View)	5.0-27
Figure 5.0-4B Reduced Development Footprint Alternative – View Looking East from I-5 (Proposed View).....	5.0-29

APPENDICES

Appendix A Notice of Preparation and Scoping Documents
Appendix B Lighting Plan
Appendix C-1 Air Quality Assessment
Appendix C-2 Health Risk Screening Letter
Appendix D Biological Technical Report
Appendix E Archaeological Inventory and Evaluation Report
Appendix F Greenhouse Gas Assessment
Appendix G-1 Geotechnical Investigation
Appendix G-2 Consultation: Limits of Areas of Previous Grading Disturbance
Appendix G-3 Paleontological Records Search
Appendix H-1 Phase I Environmental Site Assessment Report
Appendix H-2 Phase I and II ESA Site Assessment Report
Appendix I-1 Preliminary Hydrology Study
Appendix I-2 Preliminary Stormwater Quality Management Plan [\(Revised 2023\)](#)
Appendix J Noise Study
Appendix K Transportation Impact Study [\(Revised 2023\)](#)
Appendix L AB 52 Correspondence
Appendix M Preliminary Wastewater Report
Appendix N Project Facility Availability Forms
Appendix O Fire Protection Plan [\(Revised 2023\)](#)

This page intentionally left blank.

P.1 INTRODUCTION

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

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

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

P.2 ORGANIZATION OF THE FINAL EIR

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

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

P.3 CEQA PROCESS SUMMARY

Pursuant to Section 15082 of the CEQA Guidelines, a Notice of Preparation (NOP) was circulated by the California Governor’s Office of Planning and Research State Clearinghouse (SCH# 2022050516) to responsible agencies for a 30-day public review period commencing on May 27, 2022.

Written comment letters received during the 30-day NOP public review period are found in EIR Appendix A, Notice of Preparation and Scoping Documents. They include a total of three public agency comment letters, three tribe comment letters, one local organization comment letter, and 44 comment submittals from individuals.

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

A Citizen Participation Program (CPP) public meeting was held for the proposed project on June 7, 2022, from 6:00 p.m. to 9:00 p.m. at Encinitas City Hall (Council Chambers). All property owners and occupants within a 500-foot radius of the project site were mailed a copy of the neighborhood letter and the vicinity map.

The Draft EIR includes an in-depth evaluation of fifteen environmental resource areas and other CEQA-mandated issues (e.g., cumulative impacts, growth-inducing impacts, alternatives, impacts that are less than significant). The environmental issue areas upon which the EIR focuses are aesthetics, air quality, biological resources, cultural resources, energy conservation and climate change, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services and recreation, transportation, tribal cultural resources, utilities and services systems, and wildfire.

The City released the Draft EIR to the public on December 9, 2022, for a 60-day review ending on February 6, 2023. During the public review period, the Draft EIR was available for review on the City’s website at www.ci.encinitas.ca.us/I-Want-To/Public-Notices/Development-Services-Public-Notices under “Environmental Notices.” Additionally, hard copies were available at the City’s Planning Division, 505 S. Vulcan Avenue, Encinitas, California, 92024. Responses were received from one federal agency (US Fish and Wildlife Service); two state agencies [California Department of Transportation (Caltrans); California Department of Fish and Wildlife (CDFW)]; one organizations (Encinitas Community Collective); and 49 individuals (several whom submitted multiple comment letters). Following close of the public review period, one additional letter was received from an organization, and one additional letter was received from an individual.

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

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

P.4 CHANGES TO THE DRAFT EIR

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

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

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

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

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

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

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

P.5 COMMENT LETTERS AND RESPONSES TO COMMENTS

As stated above, a Draft EIR analyzing the proposed project was prepared and circulated for public review for a 60-day period from December 9, 2022 to February 6, 2023. During that time, the City received comment letters from three federal and/or state agencies; comment letters from one organization; and comment letters from 49 individuals. Following the close of the public review period, the City received one additional letter from an organization and one additional letter from an individual. All comments have each been assigned a numeric label, and the individual comments identified in each written comment letter are bracketed and numbered sequentially.

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

Rather, CEQA requires the City to provide a good faith, reasoned analysis supported by factual information. To fulfill these requirements, the City's experts in planning and environmental sciences consulted with and independently reviewed analysis responding to the Draft EIR comments prepared by Michael Baker International (the City's environmental consultant who

prepared this EIR) and other experts, which include experts in planning, aesthetics, agriculture, air quality, biology, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use planning, noise, public services, transportation and traffic, utilities and service systems, energy, and environmental studies, each of whom has years of educational and field experience in these categories; is familiar with the project and the environmental conditions in the City; and is familiar with the federal, state, and local rules and regulations (including CEQA) applicable to the proposed project. Accordingly, the City staff’s final analysis provided in the responses to comments is backed by substantial evidence.

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

**Comments Received from Public Agencies, Organizations, and Individuals
During Public Review Period (December 9, 2022 to February 6, 2023)**

Letter Number	Organization/Name	Date of Letter
Agencies		
1A	US Fish and Wildlife Service (Curtis L. Taylor)	February 6, 2023
1B	US Fish and Wildlife Service (David Zoutendyk for Jonathan D. Snyder)	February 10, 2023*
2	California Department of Fish and Wildlife (David Mayer)	February 6, 2023
3A	California Dept. of Transportation (Chris Stanley)	January 3, 2023
3B	California Dept. of Transportation (Maurice A. Eaton)	February 6, 2023
Organizations		
4A	Encinitas Community Collective	February 6, 2023
4B	Encinitas Community Collective	February 6, 2023
Individuals		
5	Baxter, Daniel E.	February 5, 2023
6	Bishop, Elizabeth	February 5, 2023
7	Buckalew, Charlene	February 3, 2023
8A	Cameron, Sheila S.	December 8, 2022

Letter Number	Organization/Name	Date of Letter
8B	Cameron, Sheila S.	February 6, 2023
9	Conover, John	February 6, 2023
10	Cox, Jennifer	February 6, 2023
11	Fix, Judy and Gary	February 6, 2023
12A	Garcia, Cheryl	December 18, 2022
12B	Garcia, Cheryl	February 2, 2023
13	Gilkison, Andy	February 5, 2023
14	Gilkison, Janna	February 4, 2023
15	Gutoski, Ray	February 6, 2023
16	Honda, Noren	March 3, 2023
17	Horowitz, Richard	February 5, 2023
18	Howarth, Brian	January 31, 2023
19	Jallos, Yale	February 5, 2023
20	Kaden, Dennis	February 6, 2023
21	Kaden, Karen	February 6, 2023
22	King, Byron	February 6, 2023
23	King, Marianne	February 7, 2023
24	Lasch, Lisa, Donald, and Kelsey	February 6, 2023
25	Levy, Nicholas and Lorraine	January 30, 2023
26	Locko, Sheila	February 6, 2023
27	Matchura, Frank	February 6, 2023
28	Miller, Doug	February 6, 2023
29	Miller, Eliot	December 12, 2022
30	Mitchell, Brenda and John	February 6, 2023
31	Murakso, Michael	February 6, 2023
32	Murtfedlt, Kathryn	February 3, 2023
33	Murtfedlt, Robert	February 3, 2023
34	Nielsen, Rebecca	February 6, 2023
35	O'Donnell, Jim and Cheryl	February 6, 2023
36	Ornelas, Teresa	February 6, 2023

Letter Number	Organization/Name	Date of Letter
37	Pederson, John and Mercedes	February 5, 2023
38	Richer, Terri	February 6, 2023
39	Riggs, Jason	February 2, 2023
40	Rodgers, Patricia	January 29, 2023
41A	Shine, Candice	February 3, 2023
41B	Shine, Candice and Randy (Venier)	February 1, 2023
42	Shoemaker, Susan and Brad	February 5, 2023
43	Shotton, Mark and Sara	February 6, 2023
44	Smith, Kristen L.	February 6, 2023
45	Soland, Peter and Susan	February 5, 2023
46	Thompson, Diane T.	February 6, 2023
47	Trax, Marilyn	February 2, 2023
48	Usher, Mary and Richard	January 31, 2023
49	Venard, Terry	February 6, 2023
50A	Welty, Dolores	February 2, 2023
50B	Welty, Dolores	February 5, 2023
51	Weston, Richard	February 4, 2023
52	Wickett, William H. III	February 6, 2023
53	Wickett, Maryann	February 6, 2023

* Initial comment letter received February 6, 2023 requested an extension until February 10, 2023 to provide written comments.

**Comments Received from Public Agencies, Organizations, and Individuals
Subsequent to Public Review Period (after February 6, 2023)**

Letter Number	Organization/Name	Date of Letter
Agency		
--	No late letters from agencies were received.	--
Organization		
54	YIMBY Law (Sonja Trauss)	February 24, 2023
Individual		
55	Wells, Crystal	February 23, 2023

This page intentionally left blank

From: Curtis, Taylor L <taylor_curtis@fws.gov>
Sent: Monday, February 6, 2023 9:23 AM
To: Nick Koutoufidis
Cc: Zoutendyk, David
Subject: Piraeus Point- Draft Environmental Impact Report; MULTI-005158-2022

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Hi Nick,

We are currently still trying to track down information to use in our evaluation of this project. We would like to request an extension for a comment until Friday, February 10th.

1A-1

Thank you,

Taylor Curtis
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008

(she, her, hers)

(760) 431-9440 x371

I am currently working from home and infrequently checking my office voicemail. Please email me if you'd like to schedule a phone call or meeting.

1A United States Fish and Wildlife Service (USFWS)

1A-1

Comment Summary:

The commenter indicates that USFWS is still in the process of obtaining project information and formulating their evaluation of the project. The commenter requests that the agency be granted an extension until February 10, 2023 to provide their comments.

Response:

The City has granted the agency's request for additional time to provide comments. Refer to USFWS Letter 1B, below, for the City's responses to the comments received.

Preface and Responses to Comments



United States Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer to:
22-0052035-CEQA_SD

February 10, 2023
Sent Electronically

Nick Koutoufidis
City Planner
Development Services Department
505 South Vulcan Avenue
Encinitas, California 92024

Subject: Comments on the Draft Environmental Impact Report for Piraeus Point Project,
City of Encinitas, San Diego County, California

Dear Nick Koutoufidis:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Report (DEIR) for the Piraeus Point Project (project), in the City of Encinitas (City), California. Our comments and recommendations are based on the information provided in the DEIR and our knowledge of sensitive and declining vegetation communities in San Diego County; and our participation in the Multiple Habitat Conservation Program (MHCP) and the City’s draft MHCP Subarea Plan (SAP).

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1) of the Act.

The project proposes to build a 149-unit townhome community on a 6.78-acre site (including on and off site impacts) located along Piraeus Street and Plato Place in the City. The project site is bordered by existing development to the east, undeveloped land to the south and north, and Interstate 5 (I-5) to the west. The project also proposes to preserve two parcels that total 4.95 acres which are immediately north of the project site and extend towards Batiquitos Lagoon.

The main vegetation types mapped on the project site are coastal sage scrub, disturbed land, and southern mixed chaparral. The majority of the mitigation parcels is mapped as coastal sage scrub and non-native grassland, with smaller portions of non-native riparian and southern mixed chaparral. The project site and mitigation parcels are also occupied by the federally-listed as



1B-1

1B USFWS

1B-1

Comment Summary:

This comment provides a summary of the proposed project and the existing setting, including onsite biological conditions and findings of the site surveys conducted.

Response:

This comment does not raise an environmental issue of concern relative to CEQA nor question the adequacy of the EIR. Refer to subsequent comments below for additional discussion.

Nick Koutoufidis (22-0052035-CEQA_SD)

2

threatened coastal California gnatcatcher (*Poliophtila californica californica*; gnatcatcher) and are within designated critical habitat for the gnatcatcher.

Conservation and recovery of the gnatcatcher is largely being accomplished through the development and implementation of regional HCP planning efforts, including the MHCP. Most of the range of the gnatcatcher within southern California is covered by these efforts. Although approved regional HCPs allow for incidental take of the gnatcatcher through destruction of habitat, they also regulate and mitigate such actions. The regional HCPs conserve the gnatcatcher by creating a network of managed preserves with core habitat areas that are linked across the broader landscape.

The MHCP and City’s draft SAP identify the project site and mitigation parcels as Biological Core and Linkage Area (BCLA) and Focused Planning Area (FPA) softline preserve in the La Costa Parcels of the Encinitas North section of the City. Conservation of the La Costa parcels will provide an important functional linkage and movement corridor with existing hardlined conservation areas at Batiquitos Lagoon in the City of Carlsbad.

The project proposes to impact 2.37 acres of coastal sage scrub and 1.13 acres of southern mixed chaparral (chaparral). Impacts include the establishment and maintenance of an 80-foot-wide fire management zone (FMZ) that would impact chaparral in the softline preserve on the northern end of the proposed development area.

The project proposes to mitigate impacts to coastal sage scrub at a 2:1 ratio and to chaparral at a 1:1 ratio. Mitigation will include conserving 3.14 acres of coastal sage scrub and 0.81 acres of chaparral on the mitigation parcels and project site, and conserving 1.92 acres of habitat at a site approved by the City, Service and California Department of Fish and Wildlife Service.

Our main concern is that the proposed project is not consistent with the MHCP and City’s draft SAP. Per the City’s draft SAP, site-specific planning in this area must maximize preserve design by ensuring connectivity to adjacent open space in the FPA and conserve occupied gnatcatcher habitat. In addition, all mitigation requirements must be met onsite to ensure a viable preserve design to support 5 to 6 pairs of gnatcatchers. The City’s draft SAP also requires new residential development located adjacent to preserve areas to be set back to incorporate brush management zones on the development pad and outside the preserve.

The DEIR states Objective 2 of the proposed project is to “provide at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources.” We do not consider the proposed project to meet the objective of protecting surrounding natural resources consistent with the MHCP and City’s draft SAP.

1B-1
cont'd

1B-2

1B-3

1B-4

1B-5

1B-6

1B-2

Comment Summary:

This comment notes that conservation and recovery of the California gnatcatcher is largely being accomplished through the development and implementation of regional habitat conservation plans, including the Multiple Habitat Conservation Program (MHCP).

Response:

This comment is informative purposes only and does not raise an environmental issue of concern relative to CEQA nor question the adequacy of the EIR. Refer to subsequent comments below for additional discussion.

1B-3

Comment Summary:

This comment notes that the MHCP and City’s draft Subarea Plan identify the project site and proposed mitigation parcels as Biological Core and Linkage Area and Focused Planning Area softline preserve in the La Costa Parcels of the Encinitas North section of the City. Conservation of the La Costa parcels will provide a functional linkage and movement corridor with existing hardlined conservation areas at Batiquitos Lagoon in the City of Carlsbad.

Response:

This comment is informative purposes and does not raise an environmental issue of concern relative to the proposed project nor question the adequacy of the EIR. The City recognizes inclusion of the project site and proposed preserve area as part of the MHCP and Subarea Plan. Refer to subsequent comments below for additional discussion.

1B-4

Comment Summary:

This comment provides a summary of anticipated project impacts to coastal sage scrub and southern mixed chaparral and the mitigation measures identified in the EIR to reduce such impacts to less than significant.

Preface and Responses to Comments

Nick Koutoufidis (22-0052035-CEQA_SD) 2

threatened coastal California gnatcatcher (*Poliophtila californica californica*; gnatcatcher) and are within designated critical habitat for the gnatcatcher.

Conservation and recovery of the gnatcatcher is largely being accomplished through the development and implementation of regional HCP planning efforts, including the MHCP. Most of the range of the gnatcatcher within southern California is covered by these efforts. Although approved regional HCPs allow for incidental take of the gnatcatcher through destruction of habitat, they also regulate and mitigate such actions. The regional HCPs conserve the gnatcatcher by creating a network of managed preserves with core habitat areas that are linked across the broader landscape.

The MHCP and City’s draft SAP identify the project site and mitigation parcels as Biological Core and Linkage Area (BCLA) and Focused Planning Area (FPA) softline preserve in the La Costa Parcels of the Encinitas North section of the City. Conservation of the La Costa parcels will provide an important functional linkage and movement corridor with existing hardlined conservation areas at Batiquitos Lagoon in the City of Carlsbad.

The project proposes to impact 2.37 acres of coastal sage scrub and 1.13 acres of southern mixed chaparral (chaparral). Impacts include the establishment and maintenance of an 80-foot-wide fire management zone (FMZ) that would impact chaparral in the softline preserve on the northern end of the proposed development area.

The project proposes to mitigate impacts to coastal sage scrub at a 2:1 ratio and to chaparral at a 1:1 ratio. Mitigation will include conserving 3.14 acres of coastal sage scrub and 0.81 acres of chaparral on the mitigation parcels and project site, and conserving 1.92 acres of habitat at a site approved by the City, Service and California Department of Fish and Wildlife Service.

Our main concern is that the proposed project is not consistent with the MHCP and City’s draft SAP. Per the City’s draft SAP, site-specific planning in this area must maximize preserve design by ensuring connectivity to adjacent open space in the FPA and conserve occupied gnatcatcher habitat. In addition, all mitigation requirements must be met onsite to ensure a viable preserve design to support 5 to 6 pairs of gnatcatchers. The City’s draft SAP also requires new residential development located adjacent to preserve areas to be set back to incorporate brush management zones on the development pad and outside the preserve.

The DEIR states Objective 2 of the proposed project is to “provide at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources.” We do not consider the proposed project to meet the objective of protecting surrounding natural resources consistent with the MHCP and City’s draft SAP.

1B-1
cont'd

1B-2

1B-3

1B-4

1B-5

1B-6

Response:

This comment is informative purposes and does not raise an environmental issue of concern relative to the proposed project nor question the adequacy of the EIR. Refer to subsequent comments below for additional discussion.

1B-5

Comment Summary:

The commenter expresses concern that the proposed project is not consistent with the MHCP and City’s draft Subarea Plan and states that site-specific development in the project area is required to maximize preserve design by ensuring connectivity to adjacent open space and conserving occupied gnatcatcher habitat. In addition, all mitigation requirements must be met onsite to ensure a viable preserve design. The commenter indicates that the City’s draft Subarea Plan also requires new residential development located adjacent to preserve areas to be set back to accommodate brush management zones on the development pad and outside of the preserve.

Response:

Refer also to Comment 1B-7, below. The project as proposed would limit development to the southernmost parcel, allowing the northern portion of the southern parcel and adjacent northern parcel to remain as a contiguous preserve area. The proposed preserve areas would be preserved in perpetuity in order to mitigate for biological impacts resulting from development of the project site.

The proposed preserve area would provide unlimited wildlife movement opportunities due to its connectivity to open space to the northeast and adjacency to Batiquitos Lagoon. As indicated in EIR Section 3.3, Biological Resources, the onsite and off-site-adjacent preserve areas contain vegetation structure and topography that provide unique or additional vegetative cover or shelter from adjacent areas, which are characteristic of wildlife corridor areas. The development area’s value as a corridor is lower because a majority of the development area is sparse, disturbed land cover bordered by residential development to the east and disturbed habitat and a paved road (Plato Place) to the south. Diegan coastal sage

Nick Koutoufidis (22-0052035-CEQA_SD)

2

threatened coastal California gnatcatcher (*Poliophtila californica californica*; gnatcatcher) and are within designated critical habitat for the gnatcatcher.

Conservation and recovery of the gnatcatcher is largely being accomplished through the development and implementation of regional HCP planning efforts, including the MHCP. Most of the range of the gnatcatcher within southern California is covered by these efforts. Although approved regional HCPs allow for incidental take of the gnatcatcher through destruction of habitat, they also regulate and mitigate such actions. The regional HCPs conserve the gnatcatcher by creating a network of managed preserves with core habitat areas that are linked across the broader landscape.

The MHCP and City's draft SAP identify the project site and mitigation parcels as Biological Core and Linkage Area (BCLA) and Focused Planning Area (FPA) softline preserve in the La Costa Parcels of the Encinitas North section of the City. Conservation of the La Costa parcels will provide an important functional linkage and movement corridor with existing hardlined conservation areas at Batiquitos Lagoon in the City of Carlsbad.

The project proposes to impact 2.37 acres of coastal sage scrub and 1.13 acres of southern mixed chaparral (chaparral). Impacts include the establishment and maintenance of an 80-foot-wide fire management zone (FMZ) that would impact chaparral in the softline preserve on the northern end of the proposed development area.

The project proposes to mitigate impacts to coastal sage scrub at a 2:1 ratio and to chaparral at a 1:1 ratio. Mitigation will include conserving 3.14 acres of coastal sage scrub and 0.81 acres of chaparral on the mitigation parcels and project site, and conserving 1.92 acres of habitat at a site approved by the City, Service and California Department of Fish and Wildlife Service.

Our main concern is that the proposed project is not consistent with the MHCP and City's draft SAP. Per the City's draft SAP, site-specific planning in this area must maximize preserve design by ensuring connectivity to adjacent open space in the FPA and conserve occupied gnatcatcher habitat. In addition, all mitigation requirements must be met onsite to ensure a viable preserve design to support 5 to 6 pairs of gnatcatchers. The City's draft SAP also requires new residential development located adjacent to preserve areas to be set back to incorporate brush management zones on the development pad and outside the preserve.

The DEIR states Objective 2 of the proposed project is to "provide at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources." We do not consider the proposed project to meet the objective of protecting surrounding natural resources consistent with the MHCP and City's draft SAP.

1B-1
cont'd

1B-2

1B-3

1B-4

1B-5

1B-6

scrub is located in the southern and northwestern portions of the project footprint, and within the middle and northern portions of the preserve area. The coastal sage scrub within the center of the development area provides a noncontiguous connection to the dense chaparral habitat at the north end of the development area, which transitions into the proposed preserve area. Therefore, south-north movement is established. It should also be noted that the presence of I-5 west of the project site and residential development to the east and southeast likely block east-west movement through the area. As noted in the City's Housing Element Update Environmental Assessment, the project site does not meet the criteria for a wildlife movement corridor and is not identified as such by the draft SAP.

As indicated in EIR Section 3.3, due to the location of gnatcatcher habitat on the southern parcel, impacts to the species and its habitat would be required in order to allow development to occur; refer also to EIR Figure 3.2-2, Vegetation Communities and Land Cover Types. Without allowing for some impacts to occur, the residential unit yield onsite needed for consistency with the City's Housing Element could not be achieved. Mitigation measures are therefore identified in the EIR to reduce project impacts to California gnatcatcher to less than significant. The project would impact the habitat of two pairs (4 individuals), and as a result the applicant is required to obtain USFWS approval pursuant to Section 10 of the federal Endangered Species Act for impacts to California gnatcatcher through the preparation of a Low-Effect Habitat Conservation Plan prior to the issuance of any grading permits. Refer also to Response 1B-7, below, for additional considerations.

The City's draft Subarea Plan (SAP) has not been formally adopted, and the Wildlife Agencies (USFWS, CDFW) have previously approved proposals to achieve mitigation requirements through the purchase of offsite mitigation credits. Off-site mitigation was allowable to both USFWS and CDFW for the 2014 Daskalakis Parcel Map project (Case No. 14007) which proposed to mitigate for impacts to biological resources of 0.1-acres of coastal sage scrub, 0.4 acres of non-native grassland, and 27 individuals of Nuttall's scrub oak. In a letter dated September 29, 2014, USFWS and CDFW indicated approval of off-site mitigation to occur at the Whelan mitigation and Manchester mitigation banks. In addition, off-site

Preface and Responses to Comments

Nick Koutoufidis (22-0052035-CEQA_SD) 2

threatened coastal California gnatcatcher (*Poliophtila californica californica*; gnatcatcher) and are within designated critical habitat for the gnatcatcher.

Conservation and recovery of the gnatcatcher is largely being accomplished through the development and implementation of regional HCP planning efforts, including the MHCP. Most of the range of the gnatcatcher within southern California is covered by these efforts. Although approved regional HCPs allow for incidental take of the gnatcatcher through destruction of habitat, they also regulate and mitigate such actions. The regional HCPs conserve the gnatcatcher by creating a network of managed preserves with core habitat areas that are linked across the broader landscape.

The MHCP and City’s draft SAP identify the project site and mitigation parcels as Biological Core and Linkage Area (BCLA) and Focused Planning Area (FPA) softline preserve in the La Costa Parcels of the Encinitas North section of the City. Conservation of the La Costa parcels will provide an important functional linkage and movement corridor with existing hardlined conservation areas at Batiquitos Lagoon in the City of Carlsbad.

The project proposes to impact 2.37 acres of coastal sage scrub and 1.13 acres of southern mixed chaparral (chaparral). Impacts include the establishment and maintenance of an 80-foot-wide fire management zone (FMZ) that would impact chaparral in the softline preserve on the northern end of the proposed development area.

The project proposes to mitigate impacts to coastal sage scrub at a 2:1 ratio and to chaparral at a 1:1 ratio. Mitigation will include conserving 3.14 acres of coastal sage scrub and 0.81 acres of chaparral on the mitigation parcels and project site, and conserving 1.92 acres of habitat at a site approved by the City, Service and California Department of Fish and Wildlife Service.

Our main concern is that the proposed project is not consistent with the MHCP and City’s draft SAP. Per the City’s draft SAP, site-specific planning in this area must maximize preserve design by ensuring connectivity to adjacent open space in the FPA and conserve occupied gnatcatcher habitat. In addition, all mitigation requirements must be met onsite to ensure a viable preserve design to support 5 to 6 pairs of gnatcatchers. The City’s draft SAP also requires new residential development located adjacent to preserve areas to be set back to incorporate brush management zones on the development pad and outside the preserve.

The DEIR states Objective 2 of the proposed project is to “provide at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources.” We do not consider the proposed project to meet the objective of protecting surrounding natural resources consistent with the MHCP and City’s draft SAP.

1B-1
cont'd

1B-2

1B-3

1B-4

1B-5

1B-6

mitigation was allowable to USFWS and CDFW for the 2017 Berryman Canyon and Ames Tentative Parcel Map project (Case No. 14-256) which proposed to mitigate for impacts to biological resources of 0.73-acres of Diegan coastal sage scrub and 0.10 acres of southern maritime chaparral. In 2017, both USFWS and CDFW approved of proposed mitigation for 0.16 acres of Diegan coastal sage scrub and 0.3 acres of southern maritime chaparral to occur offsite through purchase at the Carlsbad Oaks Conservation Bank. The USFWS and CDFW approved of the remaining 1.3 acres of Diegan coastal sage scrub required for mitigation to be purchased at the Buena Creek Conservation Bank.

Refer to Response 1B-7, below regarding the commenter’s statement that conformance with the draft Subarea Plan requires residential development located adjacent to preserve areas to be set back to accommodate brush management zones on the development pad and outside of the preserve (which would render the project infeasible).

1B-6

Comment Summary:

The commenter states that one of the project objectives is to “provide at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources.” The commenter indicates that the USFWS does not believe the proposed project meets this objective in protecting surrounding natural resources consistent with the MHCP and City’s draft Subarea Plan.

Response:

Refer to Response 1B-5, above. Refer also to Response 1B-7, below, for additional discussion on project consistency with the stated project objective.

Nick Koutoufidis (22-0052035-CEQA_SD)

3

Therefore, we recommend that the Final Environmental Impact Report (FEIR) include two additional alternatives as follows:

1. An alternative that reduces impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ. This could be done by reducing the FMZ and/or grading at the northern end of the project site and restoring coastal sage scrub in the non-native grassland and non-native riparian areas on the mitigation parcels. It is unclear whether Alternative 2: Reduced Development Footprint Alternative included in the DEIR would reduce impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ.
2. Another alternative that conserves all occupied gnatcatcher habitat in addition to reducing impacts to allow all required mitigation to occur onsite to ensure a viable preserve design in this area.

The FEIR should also discuss why these alternatives are not feasible especially in light of Objective 2 in the DEIR.

Our second concern is the mapping of southern mixed chaparral on the project site and mitigation parcels in areas that were mapped as southern maritime chaparral in a previous survey (attached). The MHCP and City's draft SAP requires 3:1 mitigation for impacts to southern maritime chaparral which is higher than the 1:1 mitigation ratio for southern mixed chaparral assumed for this project. Therefore, if the project cannot be redesigned to avoid all impacts to chaparral, we recommend that a site visit be done to review vegetation mapping in this area.

We are also concerned about the adequacy of the rare plant surveys for the project. The rare plant survey report for the project lists 56 rare plants that have the potential to occur on the project site and mitigation lands, including the federally listed San Diego thorn-mint (*Acanthomintha ilicifolia*; Potential: High), Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *Crassifolia*; Potential: High), Encinitas Baccharis (*Baccharis vanessae*; Potential: Moderate), and Orcutt's spineflower (*Chorizanthe orcuttiana*; Potential: Moderate). The report states the surveys were done during a below average rainfall year and that "there is a possibility that additional rare plant species are present within the Survey Area but were either dormant or were unable to germinate, and therefore would not be detectable by the surveyors at the time of the surveys." In addition, reference sites for only 2 of the potential 56 rare plants were checked as part of the surveys. Therefore, we recommend updated surveys be done this year that at a minimum include reference sites for each federally listed species with moderate or high potential to occur at the project site and mitigation parcels.

We also recommend additional conservation measures be added to the project to avoid, minimize, and mitigate potential impacts to the gnatcatcher and its critical habitat (attached).

1B-7

Comment Summary:

Based on the issues raised in Comment 1B-6, above, the commenter recommends that the Final EIR include an additional project alternative that reduces impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the required fuel modification zone. The commenter suggests this could be achieved by reducing the brush management zone and/or grading at the northern end of the project site and restoring coastal sage scrub in the non-native grassland and non-native riparian areas on the mitigation parcels.

Response:

The Final EIR has been revised to consider the project alternative requested by the commenter; refer to Section 5.5, Alternatives Considered and Rejected. As indicated in Section 5.5 of the FEIR, USFWS Alternative 1 - Reduced Project Footprint/Revised Brush Management Zone Alternative was formulated to eliminate construction of the two northernmost structures proposed with the project, thereby eliminating the need for the required brush management zone to extend northward into sensitive onsite habitat. In reference to the Project's Fire Protection Plan, the estimated flame length, which is defined as the distance between the flame tip and the midpoint of the flame depth at the base of the flame, for untreated vegetation is 52.4 feet. Due to this flame length, it is infeasible to reduce the Fuel Modification Zone below 100 feet in order to ensure public safety. In removing the two northernmost structures from the proposed development, this alternative would provide for construction of 26 fewer multi-family residential townhome units (or 123 units total), as compared to the 149 multi-family residential units proposed with the project. As the overall number of proposed residential units would be reduced, the number of "very low" income affordable units would be reduced to 12 units (as compared to 15 very low income affordable units with the proposed project).

As a result, potential impacts to sensitive southern mixed chaparral habitat from brush management activities would be avoided, thereby reducing overall impacts to biological resources as compared to the project. Mitigation for remaining impacts to southern mixed chaparral

1B-7

1B-8

1B-9

1B-10

1B-11

1B-12

Preface and Responses to Comments

Nick Koutoufidis (22-0052035-CEQA_SD) 3

Therefore, we recommend that the Final Environmental Impact Report (FEIR) include two additional alternatives as follows:

- 1. An alternative that reduces impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ. This could be done by reducing the FMZ and/or grading at the northern end of the project site and restoring coastal sage scrub in the non-native grassland and non-native riparian areas on the mitigation parcels. It is unclear whether Alternative 2: Reduced Development Footprint Alternative included in the DEIR would reduce impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ.
- 2. Another alternative that conserves all occupied gnatcatcher habitat in addition to reducing impacts to allow all required mitigation to occur onsite to ensure a viable preserve design in this area.

The FEIR should also discuss why these alternatives are not feasible especially in light of Objective 2 in the DEIR.

Our second concern is the mapping of southern mixed chaparral on the project site and mitigation parcels in areas that were mapped as southern maritime chaparral in a previous survey (attached). The MHCP and City’s draft SAP requires 3:1 mitigation for impacts to southern maritime chaparral which is higher than the 1:1 mitigation ratio for southern mixed chaparral assumed for this project. Therefore, if the project cannot be redesigned to avoid all impacts to chaparral, we recommend that a site visit be done to review vegetation mapping in this area.

We are also concerned about the adequacy of the rare plant surveys for the project. The rare plant survey report for the project lists 56 rare plants that have the potential to occur on the project site and mitigation lands, including the federally listed San Diego thorn-mint (*Acanthomintha ilicifolia*; Potential: High), Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *Crassifolia*; Potential: High), Encinitas Baccharis (*Baccharis vanessae*; Potential: Moderate), and Orcutt’s spineflower (*Chorizanthe orcuttiana*; Potential: Moderate). The report states the surveys were done during a below average rainfall year and that “there is a possibility that additional rare plant species are present within the Survey Area but were either dormant or were unable to germinate, and therefore would not be detectable by the surveyors at the time of the surveys.” In addition, reference sites for only 2 of the potential 56 rare plants were checked as part of the surveys. Therefore, we recommend updated surveys be done this year that at a minimum include reference sites for each federally listed species with moderate or high potential to occur at the project site and mitigation parcels.

We also recommend additional conservation measures be added to the project to avoid, minimize, and mitigate potential impacts to the gnatcatcher and its critical habitat (attached).

1B-7

1B-8

1B-9

1B-10

1B-11

1B-12

would be achieved through restoration of coastal sage scrub in the non-native grassland and non-native riparian areas in the preserve area. Impacts to other sensitive habitats with this alternative would remain the same as those identified for the proposed project. This alternative would retain the proposed offsite preserve area to the north and would offer the same onsite amenities as the project.

By reducing the number of residential units, this alternative would not provide the minimum 134 residential housing units¹ mandated in the City’s General Plan Housing Element. Accordingly, this alternative would not meet this primary project objective. This alternative was therefore considered at the request of the commenter, but rejected due to its inability to meet key objectives and the project’s underlying fundamental purpose as identified for the proposed project (and by the City in meeting State-mandated housing goals).

1B-8

Comment Summary:

The commenter requests that the Final EIR consider a second project alternative that would conserve all occupied gnatcatcher habitat, in addition to reducing impacts (on the species), to allow all required mitigation to occur onsite in order to ensure a viable preserve design.

Response:

The EIR has been revised to consider the project alternative requested by the commenter; refer to Section 5.5, Alternatives Considered and Rejected. As indicated in Section 5.5 of the FEIR, USFWS Alternative 2 - Reduced Biological Impacts Alternative was formulated to substantially reduce proposed residential development on the project site with the intent of avoiding significant impacts to occupied California gnatcatcher habitat (Diegan coastal sage scrub). This alternative would allow all required mitigation to occur onsite to ensure a viable preserve design in the affected areas.

In order to achieve avoidance of the occupied California gnatcatcher habitat in the central portion of the property, the remaining land area

¹ Project site = 5.36 net acres. Per the General Plan Housing Element Update, the project site has a 25 dwelling units/acre minimum. 5.36 net acres (project site) x 25 dwelling units/acre = 134 minimum unit yield required.

Nick Koutoufidis (22-0052035-CEQA_SD)

3

Therefore, we recommend that the Final Environmental Impact Report (FEIR) include two additional alternatives as follows:

1. An alternative that reduces impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ. This could be done by reducing the FMZ and/or grading at the northern end of the project site and restoring coastal sage scrub in the non-native grassland and non-native riparian areas on the mitigation parcels. It is unclear whether Alternative 2: Reduced Development Footprint Alternative included in the DEIR would reduce impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ.
2. Another alternative that conserves all occupied gnatcatcher habitat in addition to reducing impacts to allow all required mitigation to occur onsite to ensure a viable preserve design in this area.

The FEIR should also discuss why these alternatives are not feasible especially in light of Objective 2 in the DEIR.

Our second concern is the mapping of southern mixed chaparral on the project site and mitigation parcels in areas that were mapped as southern maritime chaparral in a previous survey (attached). The MHCP and City's draft SAP requires 3:1 mitigation for impacts to southern maritime chaparral which is higher than the 1:1 mitigation ratio for southern mixed chaparral assumed for this project. Therefore, if the project cannot be redesigned to avoid all impacts to chaparral, we recommend that a site visit be done to review vegetation mapping in this area.

We are also concerned about the adequacy of the rare plant surveys for the project. The rare plant survey report for the project lists 56 rare plants that have the potential to occur on the project site and mitigation lands, including the federally listed San Diego thorn-mint (*Acanthomintha ilicifolia*; Potential: High), Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *Crassifolia*; Potential: High), Encinitas Baccharis (*Baccharis vanessae*; Potential: Moderate), and Orcutt's spineflower (*Chorizanthe orcuttiana*; Potential: Moderate). The report states the surveys were done during a below average rainfall year and that "there is a possibility that additional rare plant species are present within the Survey Area but were either dormant or were unable to germinate, and therefore would not be detectable by the surveyors at the time of the surveys." In addition, reference sites for only 2 of the potential 56 rare plants were checked as part of the surveys. Therefore, we recommend updated surveys be done this year that at a minimum include reference sites for each federally listed species with moderate or high potential to occur at the project site and mitigation parcels.

We also recommend additional conservation measures be added to the project to avoid, minimize, and mitigate potential impacts to the gnatcatcher and its critical habitat (attached).

1B-7

1B-8

1B-9

1B-10

1B-11

1B-12

available for development would only allow for an estimated 105 multi-family residential units, thereby reducing the total number of available housing units by 44 as compared to the proposed project (149 multi-family units). As the overall number of proposed residential units would be reduced, the number of very low income affordable units would be reduced to 11 units (as compared to 15 very low income affordable units with the proposed project). Additionally, to avoid this habitat in the middle of the project site would require that a building be placed to the southernmost portion of the site and have a 100-foot fuel modification zone. This would likely cause an infeasible project that would not meet the minimum density required. This alternative would retain the proposed offsite preserve area to the north and would offer the same onsite amenities as the project.

Due to site constraints resulting with the avoidance of occupied gnatcatcher habitat, this alternative would reduce the number of proposed residential units. Therefore, this alternative would not achieve the minimum 134 residential housing units mandated for the site in the City's General Plan Housing Element.² This alternative was considered at the request of the commenter, but rejected due to its inability to meet key project objectives as identified for the proposed project (and by the City in meeting State-mandated housing goals).

1B-9

Comment Summary:

The commenter requests that the suggested project alternatives be discussed in the FEIR relative to why they are infeasible with regard to Project Objective 2 which states the intent to "provide at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources." Such discussion is provided above and in Final EIR Section 5.5, Alternatives Considered and Rejected.

² Ibid.

Preface and Responses to Comments

Nick Koutoufidis (22-0052035-CEQA_SD)

3

Therefore, we recommend that the Final Environmental Impact Report (FEIR) include two additional alternatives as follows:

- 1. An alternative that reduces impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ. This could be done by reducing the FMZ and/or grading at the northern end of the project site and restoring coastal sage scrub in the non-native grassland and non-native riparian areas on the mitigation parcels. It is unclear whether Alternative 2: Reduced Development Footprint Alternative included in the DEIR would reduce impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ.
- 2. Another alternative that conserves all occupied gnatcatcher habitat in addition to reducing impacts to allow all required mitigation to occur onsite to ensure a viable preserve design in this area.

The FEIR should also discuss why these alternatives are not feasible especially in light of Objective 2 in the DEIR.

Our second concern is the mapping of southern mixed chaparral on the project site and mitigation parcels in areas that were mapped as southern maritime chaparral in a previous survey (attached). The MHCP and City’s draft SAP requires 3:1 mitigation for impacts to southern maritime chaparral which is higher than the 1:1 mitigation ratio for southern mixed chaparral assumed for this project. Therefore, if the project cannot be redesigned to avoid all impacts to chaparral, we recommend that a site visit be done to review vegetation mapping in this area.

We are also concerned about the adequacy of the rare plant surveys for the project. The rare plant survey report for the project lists 56 rare plants that have the potential to occur on the project site and mitigation lands, including the federally listed San Diego thorn-mint (*Acanthomintha ilicifolia*; Potential: High), Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *Crassifolia*; Potential: High), Encinitas Baccharis (*Baccharis vanessae*; Potential: Moderate), and Orcutt’s spineflower (*Chorizanthe orcuttiana*; Potential: Moderate). The report states the surveys were done during a below average rainfall year and that “there is a possibility that additional rare plant species are present within the Survey Area but were either dormant or were unable to germinate, and therefore would not be detectable by the surveyors at the time of the surveys.” In addition, reference sites for only 2 of the potential 56 rare plants were checked as part of the surveys. Therefore, we recommend updated surveys be done this year that at a minimum include reference sites for each federally listed species with moderate or high potential to occur at the project site and mitigation parcels.

We also recommend additional conservation measures be added to the project to avoid, minimize, and mitigate potential impacts to the gnatcatcher and its critical habitat (attached).

1B-7

1B-8

1B-9

1B-10

1B-11

1B-12

Response:

Refer to Responses 1B-7 and 1B-8, above. Refer also to Section 5.5, Alternatives Considered but Rejected, of the Final EIR for associated text changes to the document, made in response to the comments received.

1B-10

Comment Summary:

The commenter questions whether the mapping of southern mixed chaparral on- and offsite is accurate and refers to a prior study of the property which instead identifies the habitat as southern maritime chaparral. The commenter indicates that the mitigation ratios for such habitats differs and that, if the project cannot be redesigned to avoid all impacts to chaparral, that the site be resurveyed to confirm the vegetation mapping in such area.

Response:

Southern maritime chaparral is typically dominated by wart-stemmed ceanothus (*Ceanothus verrucosus*) and although two specimens were found during the surveys, they could not lend dominance or sub-dominance to the vegetation community. When using the classification crosswalk from Appendix C of Vegetation Classification Manual for Western San Diego County (Sproul et al. 2011) to convert Oberbauer classifications to A Manual of California Vegetation (MCV; Sawyer et al. 2009), the *Adenostoma fasciculatum* - *Xylococcus bicolor* Alliance that was found to be present on the site is directly translated to southern mixed chaparral and would only convert to southern maritime chaparral if it had some type of dominance of wart-stemmed ceanothus. The previous 2017 report referred to mentions the dominants within the “southern maritime chaparral;” however it does not list wart-stemmed ceanothus as a dominant or even a species that was observed during the surveys. Therefore, southern mixed chaparral is a much more accurate description of the vegetation community on the project site. No change to the EIR discussion or findings is required based upon the comments provided.

Nick Koutoufidis (22-0052035-CEQA_SD)

3

Therefore, we recommend that the Final Environmental Impact Report (FEIR) include two additional alternatives as follows:

1. An alternative that reduces impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ. This could be done by reducing the FMZ and/or grading at the northern end of the project site and restoring coastal sage scrub in the non-native grassland and non-native riparian areas on the mitigation parcels. It is unclear whether Alternative 2: Reduced Development Footprint Alternative included in the DEIR would reduce impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ.
2. Another alternative that conserves all occupied gnatcatcher habitat in addition to reducing impacts to allow all required mitigation to occur onsite to ensure a viable preserve design in this area.

The FEIR should also discuss why these alternatives are not feasible especially in light of Objective 2 in the DEIR.

Our second concern is the mapping of southern mixed chaparral on the project site and mitigation parcels in areas that were mapped as southern maritime chaparral in a previous survey (attached). The MHCP and City's draft SAP requires 3:1 mitigation for impacts to southern maritime chaparral which is higher than the 1:1 mitigation ratio for southern mixed chaparral assumed for this project. Therefore, if the project cannot be redesigned to avoid all impacts to chaparral, we recommend that a site visit be done to review vegetation mapping in this area.

We are also concerned about the adequacy of the rare plant surveys for the project. The rare plant survey report for the project lists 56 rare plants that have the potential to occur on the project site and mitigation lands, including the federally listed San Diego thorn-mint (*Acanthomintha ilicifolia*; Potential: High), Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *Crassifolia*; Potential: High), Encinitas Baccharis (*Baccharis vanessae*; Potential: Moderate), and Orcutt's spineflower (*Chorizanthe orcuttiana*; Potential: Moderate). The report states the surveys were done during a below average rainfall year and that "there is a possibility that additional rare plant species are present within the Survey Area but were either dormant or were unable to germinate, and therefore would not be detectable by the surveyors at the time of the surveys." In addition, reference sites for only 2 of the potential 56 rare plants were checked as part of the surveys. Therefore, we recommend updated surveys be done this year that at a minimum include reference sites for each federally listed species with moderate or high potential to occur at the project site and mitigation parcels.

We also recommend additional conservation measures be added to the project to avoid, minimize, and mitigate potential impacts to the gnatcatcher and its critical habitat (attached).

1B-7

1B-8

1B-9

1B-10

1B-11

1B-12

1B-11

Comment Summary:

The commenter expresses concern as to the adequacy of the rare plant surveys conducted for the project as the surveys were conducted during a below average rainfall year and therefore, the potential for additional rare plant species to be present within the survey area does exist. In addition, reference sites for only two of the potential rare plants were reviewed as part of the surveys. The commenter recommends updated surveys be conducted that include reference sites for each federally listed species with moderate or high potential to occur onsite and on the proposed offsite mitigation parcel.

Response:

Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*) and Encinitas Baccharis (*Baccharis vanessae*) are both perennial species and would have been observed regardless of the amount of rain the site received that year (reference population of Encinitas baccharis was positive and in the same region). Orcutt's spineflower and San Diego thornmint are annual species so they would directly be affected by the rainfall; however, remnants of those species (i.e., skeletons) from previous seasons would most likely be present as well, and the surveyors that conducted the surveys have experience with those particular species and know how to recognize them. No change to the EIR discussion or findings is required at this time, based upon the comments provided.

1B-12

Comment Summary:

The commenter recommends additional measures be added to the project to avoid, minimize, or mitigate potential impacts to gnatcatcher and its associated habitat.

Response:

Refer to Response 1B-14, below. The City has considered the suggested "conservation measures" identified by the commenter. Refer to the Executive Summary and Section 3.3, Biological Resources, of the FEIR for

Preface and Responses to Comments

Nick Koutoufidis (22-0052035-CEQA_SD)

4

We appreciate the opportunity to comment on this DEIR. If you have any questions regarding our comments, please contact Taylor Curtis¹ at 760-431-9440, extension 371.

1B-13

Sincerely,

DAVID
ZOUTENDYK
for Jonathan D. Snyder
Assistant Field Supervisor

Digitally signed by
DAVID ZOUTENDYK
Date: 2023.02.10
11:32:20 -08'00'

Appendix
Enclosure

revisions made to the proposed mitigation measures intended to reduce potential effects on California gnatcatcher and its critical habitat.

1B-13

Comment Summary:

This comment is in summary and provides the commenter’s contact information.

Response:

This comment is in summary and does not pertain to CEQA-related issues. The information provided is noted for the record.

¹ Taylor_Curtis@fws.gov

APPENDIX

Additional conservation measures (CM) recommended to be added to the project to avoid, minimize, and mitigate potential impacts to the gnatcatcher and its critical habitat:

- CM 1. Project construction will occur during daylight hours.
- CM 2. The Applicant will temporarily fence (including downslope silt barriers) the limits of project impacts (including construction staging areas and access routes) and install other appropriate sediment trapping devices to prevent additional impacts to gnatcatcher habitat and the spread of silt from the construction zone into habitat to be avoided. Fencing and sediment trapping devices will be installed in a manner that does not impact habitat to be avoided. The Applicant will submit to the Service for approval, at least 5 working days prior to initiating project impacts, the final plans for initial vegetation clearing and project construction. These final plans will include photographs that show the fenced limits of impact, sediment trapping devices and all areas to be avoided. If work occurs beyond the fenced limits of impact, all work will cease until the problem has been remedied to the satisfaction of the Service. Temporary construction fencing and sediment trapping devices will be removed upon project completion.
- CM 3. All vegetation clearing (including in the fuel modification zones if applicable) and project construction in or within 500 feet of gnatcatcher habitat will occur from September 1 (or sooner if an Service-approved project biologist² demonstrates to the satisfaction of the Service that all nesting is complete) to February 14 to avoid the gnatcatcher breeding season. If project construction (other than vegetation clearing) cannot be restricted to outside of the gnatcatcher breeding season, CM 4, CM 5b, and CM 5c will be followed.
- CM 4. Construction noise levels at the edge of occupied gnatcatcher habitat will not exceed an hourly limit of 60 decibel (dBA) Leq or ambient level (whichever is greater).
- CM 5. The project biologist will be on site during: (a) initial vegetation clearing (including in the fuel modification zones if applicable); and (b) project construction within 500 feet of gnatcatcher habitat to be avoided to ensure compliance with all CMs. The contract of the project biologist will allow direct communication with the Service at any time regarding the proposed project. The project biologist will be provided with a copy of these CMs. The project biologist will be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor

² The designated project biologist for conservation measures CM 4, CM 6 and CM 71 will be a trained ornithologist with at least 40 hours in the field observing gnatcatchers and documented experience locating and monitoring gnatcatcher nests. In order to receive Service approval, the biologist's name, address, telephone number, and work schedule on the project must be submitted to the Service at least 5 working days prior to initiating project impacts.

1B-14

1B-14

Comment Summary:

This comment provides suggested “conservation measures” to be added to the project to “avoid, minimize, and mitigate” potential impacts on the California gnatcatcher and its critical habitat.

Response:

The “conservation measures” identified have been considered by the City, and suggested language, as appropriate, has been incorporated into the mitigation measures identified in the Final EIR. Refer to the Executive Summary and Section 3.3, Biological Resources, of the FEIR for revisions made to the proposed mitigation measures in response to the comments provided.

Preface and Responses to Comments

Nick Koutoufidis (22-0052035_CEQA_SD)

6

ongoing work, and maintain communications with the Resident Engineer to ensure that issues relating to biological resources are appropriately and lawfully managed. The project biologist will perform the following duties:

- a. For vegetation clearing (including in the fuel modification zones if applicable) outside the gnatcatcher breeding season, perform a minimum of three focused preconstruction surveys—on separate days—to determine the presence of gnatcatchers in the project impact footprint. Surveys will begin a maximum of 30 days prior to performing vegetation clearing, and one survey will be conducted the day immediately prior to the initiation of vegetation clearing. If any gnatcatchers are found in the project impact footprint, the project biologist will direct workers to begin initial vegetation clearing in an area away from gnatcatchers. In addition, the project biologist will passively flush birds toward areas of appropriate vegetation that is to be avoided. It will be the responsibility of the project biologist to ensure gnatcatchers will not be injured or killed by initial vegetation clearing/grubbing. The project biologist will record the number and map the location of gnatcatchers disturbed by initial vegetation clearing/grubbing or construction and report these numbers and locations to the Service with 24 hours.
- b. If construction within 500 feet of coastal sage scrub is necessary during gnatcatcher breeding season, perform a minimum of three focused surveys, on separate days, to determine the presence of gnatcatcher nest building activities, egg incubation activities, or brood rearing activities within 500 feet of construction. The surveys will begin a maximum of 7 days prior to project construction and one survey will be conducted the day immediately prior to the initiation of work. Additional surveys will be done once a week during project construction in the gnatcatcher breeding seasons. These additional surveys may be suspended as approved by the Service. The Applicant will notify the Service at least 7 days prior to the initiation of surveys and within 24 hours of locating any gnatcatchers.
- c. If an active gnatcatcher nest is found within 500 feet of project construction, the project biologist will initiate nest monitoring and postpone work within 500 feet of the nest, then contact the Service to discuss: (i) the best approach to avoid/minimize impacts to nesting birds (e.g., sound walls, noise monitoring); and (ii) a nest monitoring program acceptable to the Service. Subsequent to these discussions, work may be initiated subject to implementation of the agreed upon avoidance/minimization approach and nest monitoring program. Nest monitoring will occur according to a schedule approved by the Service. The project biologist will determine whether bird activity is being disrupted. If the project biologist determines that bird activity is being disrupted, the Applicant will stop work and

1B-14
cont'd

Nick Koutoufidis (22-0052035_CEQA_SD)

7

- coordinate with the Service to review the avoidance/minimization approach. Upon agreement as to the necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued nest monitoring. Nest monitoring will continue until fledglings have dispersed, as approved by the Service.
- d. Oversee installation of and inspect temporary fencing and erosion control measures within or up-slope of avoided and/or preserved areas a minimum of once per week during installation and daily during all rain events until established to ensure that any breaks in the fence or erosion control measures are repaired immediately.
 - e. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust.
 - f. Train all contractors and construction personnel a maximum of 14 days prior to project construction on the biological resources associated with the projects and ensure that training is implemented by construction personnel. At a minimum, training will include: (i) the purpose for resource protection; (ii) a description of the gnatcatcher and its habitat; (iii) the CMs given that should be implemented during project construction to conserve the sensitive resource, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); (iv) best management practices in CM 16; (v) the protocol to resolve conflicts that may arise at any time during the construction process; and (vi) the general provisions of the Act, the need to adhere to the provisions of the Act, and the penalties associated with noncompliance with the Act.
 - g. Halt work, if necessary, and confer with the Service to ensure the proper implementation of species and habitat protection measures. The project biologist will report any noncompliance issue to the Service within 24 hours of its occurrence.
 - h. Submit bi-weekly letter reports (including photographs of impact areas) via regular mail or email to the Service during clearing of gnatcatcher habitat and/or project construction within 500 feet of avoided habitat. The weekly reports will document that authorized impacts were not exceeded and general compliance with all conditions. The reports will also outline the duration of gnatcatcher monitoring, the location of construction activities, the type of construction that occurred, and equipment used. These reports will specify numbers, locations, and sex of gnatcatchers (if present);

1B-14
cont'd

Preface and Responses to Comments

Nick Koutoufidis (22-0052035_CEQA_SD)

8

observed gnatcatcher behavior (especially in relation to construction activities); and remedial measures employed to avoid, minimize, and mitigate impacts to gnatcatchers. Raw field notes should be available upon request by the Service.

- i. Submit a final report to the Service within 60 days of project completion that includes: (i) as-built construction drawings with an overlay of habitat that was impacted and avoided; (ii) photographs of habitat areas that were to be avoided; and (iii) other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with all conditions of this biological opinion was achieved.

CM 6. If applicable, the Applicant will submit a final coastal sage scrub restoration and enhancement plan to the Service for approval within 30 days of initiating project impacts. These plans will be approved by the Service before the onset of project impacts. In addition to the information contained in the mitigation plan, the final plans will include the following information and conditions:

- a. All final specifications and topographic-based grading, planting, and irrigation plans (10-foot contours for uplands) for the restoration and enhancement site. The upland habitat restoration site will be prepared for planting by decompacting the topsoil in a way that mimics natural upland habitat topsoil to the maximum extent practicable while maintaining slope stability. Any salvaged topsoil will be redistributed upon completion of decompaction. Salvaged soil is not recommended in areas that have a high component of non-native species (i.e., disturbed habitat). If possible, seed collection will occur within impacted areas prior to vegetation clearing. These seeds will be used as a seed source for the restoration and enhancement areas to the maximum extent practicable. Planting and irrigation will not be installed until the Service have approved of the restoration site grading and preparation. All plantings will be installed in a way that mimics natural plant distribution, and not in rows.
- b. Native plants occurring within restoration/enhancement areas will be flagged and enhanced separately from surrounding restoration areas.
- c. Planting palettes (plant species, size and number/acre) and seed mix (plant species and pounds/acre). Unless otherwise approved by the Service, only locally native species (no cultivars) obtained within San Diego County available from as close to the project area as possible will be used. The source and proof of local origin of all plant material and seed will be provided.

1B-14
cont'd

Nick Koutoufidis (22-0052035_CEQA_SD)

9

- d. Container plant survival will be 100 percent of the initial plantings for the duration of the plant establishment period (PEP). All dead plants documented within the PEP will be replaced.
- e. A final implementation schedule that indicates when all habitat impacts, as well as habitat restoration and enhancement grading, planting and/or irrigation will begin and end. Necessary site preparation and planting will be completed per the Service approved mitigation plan after receiving the Service' approval of grading. Any temporal loss of native habitat caused by delays in restoration or enhancement will be offset through in-kind creation, restoration, and/or enhancement at a 0.5:1 ratio for every 6 months of delay (i.e., 1:1 for 12 months delay, 1.5:1 for 18 months delay, etc.). In the event that the Applicant is wholly or partly prevented from performing obligations under the final plans (causing temporal losses due to delays) because of unforeseeable circumstances or causes beyond the reasonable control, and without the fault or negligence of the project Applicant, including but not limited to natural disasters (e.g., earthquakes etc.), labor disputes, sudden actions of the elements (e.g., further landslide activity), or actions by Federal or State agencies, or other governments, the project Applicant will be excused by such unforeseeable cause(s).
- f. Five years of success criteria for coastal sage scrub restoration and enhancement areas including: a total of 40 to 65 percent absolute cover; evidence of natural recruitment of multiple species; 0 percent coverage for Cal-IPC List A and B species, and no more than 10 percent coverage for other exotic/weed species.
- g. A minimum 5 years of maintenance and monitoring of habitat restoration and enhancement areas, unless success criteria are met earlier and all artificial water supply has been off for at least 2 years.
- h. A qualitative and quantitative monitoring plan with a map of proposed sampling locations. Photo points will be used for qualitative monitoring and a stratified-random sampling design will be used for all quantitative monitoring. Monitoring will include protocol surveys for gnatcatcher.
- i. Contingency measures in the event of habitat restoration or enhancement failure.
- j. Annual maintenance and monitoring reports will be submitted to the Service no later than December 1 of each year.
- k. If maintenance of coastal sage scrub restoration or enhancement areas is necessary between February 15 and August 31, a biologist with knowledge

1B-14
cont'd

Preface and Responses to Comments

Nick Koutoufidis (22-0052035_CEQA_SD)

10

of the biology and ecology of gnatcatchers and approved by the Service will survey for gnatcatchers within the restoration and enhancement areas, access paths to them, and other areas susceptible to disturbances by site maintenance. Surveys will consist of three visits separated by 2 weeks starting February 15 of each maintenance/monitoring year.

CM 7. If applicable, the Applicant will post a performance bond or letter of credit with the Service for the cost of restoration and enhancement implementation (grading, planting, irrigation and mitigation and monitoring plan preparation), 5 years of maintenance and monitoring, offsite land acquisition, and the endowment amount to manage the coastal sage scrub restoration and enhancement areas in-perpetuity (including a 20 percent contingency to be added to the total cost). This financial assurance is to guarantee the successful implementation of the coastal sage scrub restoration and enhancement. The Applicant will submit a draft financial assurance instrument with an itemized cost list to the Service for approval at least 60 days prior to initiating project impacts. The Applicant will submit the final bond or letter of credit for the amount approved by the Service within 30 days of receiving Agency approval of the draft financial insurance instrument.

CM 8. The Applicant will execute and record a perpetual biological conservation easement over the preserve. The easement will be in favor of the City or other agent approved by the Service. The Service will be named as a third-party beneficiary and provided enforceability that requires concurrence by the Service for any modifications to the easement. The easement will be approved by the Service prior to its execution. Because the size of the onsite preserve is relatively small and in order to minimize potential disturbance to nesting gnatcatcher, no trails will be allowed in the easement area. The Applicant will submit a draft easement to the Service for review and approval at least 30 days prior to initiating project construction. The Applicant will submit the final easement, and evidence of recordation, to the Service within 60 days of receiving approval of the draft easement.

CM 9. The Applicant will prepare and implement a perpetual management, maintenance, and monitoring plan for the preserve. The Applicant will also establish a non-wasting endowment or other financial instrument in a form and an amount approved by the Service based on a Property Analysis Record (PAR) or similar cost estimation method to secure the ongoing funding for the perpetual management, maintenance, and monitoring of the onsite preserve by an agency, non-profit organization, or other entity approved by the Service. The non-wasting endowment or other financial instrument will be held by a non-profit conservation entity approved by the Service. The Applicant will submit a draft plan including: (a) a description of perpetual management, maintenance, and monitoring actions and the PAR or other cost estimation results for the non-wasting endowment or other financial

1B-14
cont'd

Nick Koutoufidis (22-0052035_CEQA_SD)

11

instrument; and (b) the anticipated land manager's name, qualifications, business address, and contact information, to the Service at least 30 days prior to initiating project impacts. The Applicant will submit the final plan to the Service and a contract with the approved land manager within 60 days of receiving approval of the draft plan and documentation that the funds for the non-wasting endowment have been transferred to a non-profit conservation entity approved by the Service within 30 days of the Service' concurrence that the onsite coastal sage scrub restoration, and/or enhancement has met all success criteria.

CM 10. If applicable, signs and markers will be provided in appropriate areas at the interface of the fuel modification zone and onsite preserve. The plans for the signs and markers will be reviewed and approved by the Service prior to the initiation of project construction.

CM 11. The Applicant will install permanent fencing and signs along the interface of development and the onsite preserve to deter human and pet entrance into the preserve. Fencing should have no gates (except to allow access for maintenance and monitoring of the preserve). Fencing will be designed to prevent intrusion by humans and pets, especially cats (i.e., poured or buried footing, fencing extending to the footing, no gaps greater than 3 inches, wrought iron, or solid fencing of 6 feet or greater height, with top pickets, or rounded top rail less than 1 inch wide). Signs will be posted and maintained at conspicuous locations. Plans for fencing and signs will be submitted to the Service for approval at least 45 days prior to proposed initiation of fence construction. Fencing and signs will be installed prior to occupancy of any residential units in the completed phases adjacent to habitat areas.

CM 12. The Applicant will develop a resident education program in coordination with the Service. The program will advise residents of the potential impacts to the gnatcatcher and the potential penalties for killing, injuring, or harming federally listed species. The program will include, but not be limited to, information pamphlets and signage of the fencing between the development and the onsite preserve. Pamphlets will be distributed to all residences. At a minimum, the program will include the following topics: occurrence of the gnatcatcher in the area; general ecology of the gnatcatcher and its sensitivity to human activities; legal protection afforded the gnatcatcher under the Act and penalties for noncompliance with the Act; how to prevent the spreading of nonnative ants and other insect pests from developed areas into the onsite preserve; impacts from free-roaming pets (particularly cats); and project features designed to reduce the impacts to the gnatcatcher and promote continued successful occupation of the onsite preserve. The Applicant will submit the program to the Service at least 30 days prior to initiating project impacts. The applicant will submit to the Service the final program within 60 days of receiving approval of the draft program.

1B-14
cont'd

Preface and Responses to Comments

Nick Koutoufidis (22-0052035_CEQA_SD)

12

- CM 13. All permanent lighting for the project adjacent to the onsite preserve will be selectively placed, shielded, and directed away from the onsite preserve. In addition, lighting from homes abutting the preserve will be screened with vegetation, and large, spotlight-type lighting will be prohibited. The Applicant will submit a draft lighting plan to the Service within 60 days of initiating project impacts. The Applicant will submit to the Service the final lighting plan within 30 days of receiving approval of the draft plan.

- CM 14. The Applicant will ensure that project landscaping does not include nonnative plant species that may be invasive to native habitats. Nonnative plant species excluded are any species listed on the Cal-IPC's "Invasive Plant Inventory" List. A copy of the complete list can be obtained from [Cal-IPC's website](#). In addition, landscaping will not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to preserve areas, and water runoff from landscaped areas will be directed away from the biological conservation easement area and contained and/or treated within the identified stormwater management facilities in project plans. The Applicant will submit a draft list of species to be included in the landscaping to the Service at least 45 working days prior to initiating project landscaping and will allow the CFWO an opportunity to verify that no Cal-IPC invasive plants are proposed for use. The Applicant will submit to the Service the final list of species to be included in the landscaping within 30 days of receiving concurrence on the draft list of species, if any changes are necessary. A list of prohibited invasive species will also be provided in the Homeowner Association's Covenants, Conditions and Restrictions to the satisfaction of the Service.

- CM 15. Any planting stock to be brought onto the project site for landscaping or habitat creation, restoration, and enhancement will be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to, Argentine ants (*Linepithema humile*), fire ants (*Solenopsis invicta*), and other insect pests. Any planting stock found to be infested with such pests will not be allowed on the project site or within 300 feet of natural habitats unless documentation is provided to the Service that these pests already occur in natural areas around the project site. The stock will be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. The Applicant will ensure that all temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used, for landscape or habitat creation, restoration, and enhancement.

1B-14
cont'd

Nick Koutoufidis (22-0052035_CEQA_SD)

13

- CM 16. The Applicant will ensure that the following best management practices are implemented during project construction in order to minimize potential impacts to the gnatcatcher and its critical habitat:
- a. Employees will strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint.
 - b. To avoid attracting predators of the gnatcatcher, the project site will be kept as clean of debris as possible. All food related trash items will be enclosed in sealed containers and regularly removed from the site.
 - c. Pets of project personnel will not be allowed on the project site.
 - d. Disposal or temporary placement of excess fill, brush or other debris will not be allowed in waters of the United States or their banks.
 - e. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities will occur in designated areas outside of waters of the United States within the fenced project impact limits. These designated areas will be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering waters of the United States and will be shown on the construction plans. Fueling of equipment will take place within areas greater than 100 feet from waters of the United States. Contractor equipment will be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" will be designated on construction plans.
 - f. Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures.

1B-14
cont'd

ENCLOSURE

VINCENT N. SCHEIDT
Biological Consultant

3158 Occidental Street • San Diego, CA • 92122-3205 • 858-457-3873 • 858-336-7106 cell • email: vince.scheidt@gmail.com

Memorandum

From: Vince Scheidt, Biological Consultant

Date: May 9, 2017



RE: Preliminary Biological Resources Assessment – the Cannon Property at Piraeus Street, Encinitas

Per your request, we have completed a Preliminary Biological Reconnaissance Assessment of a proposed 11.9-acre residential development property (APNs 254-144-01 & 216-010-35) located east of Piraeus Street and north of Plato Place in the City of Encinitas. As you know, any proposed development scenario for this property would be subject to environmental review, including a review of biological features of the site. The purpose of this preliminary reconnaissance was to assess existing site conditions, focusing on sensitive habitats, sensitive species, wetlands, etc. as they could constitute constraints to site development. A second purpose was to identify any potential follow-up studies and mitigation scenarios, as applicable. and a final purpose was to provide a defensible approach to accomplish one of the developer's goals of offsetting development impacts by establishing appropriate open space in the most sensitive areas.

In order to assess site conditions, we completed a site reconnaissance inspection of the property on April 28, 2017. The entire property was examined, and all species and habitats were identified as they were encountered.

The property supports three overlapping plant communities or habitats: Southern Maritime Chaparral (SMC), Diegan Coastal Sage Scrub (CSS), and Fallow Agriculture/Disturbed (FA). The majority of the CSS and SMC onsite is in a mostly natural state and contains a mixture of native and non-native species. The FA on the property is starting to recruit with native shrubs in some areas, and this habitat will eventually regrow as either successional CSS or SMC if left unmanaged and allowed to regenerate any further. However, at this time, these native shrubs are mostly widely-spaced and do not currently qualify as additional areas of CSS or SMC habitat.

One sensitive plant species was detected during the preliminary survey of the subject site. This was California Adolphia (*Adolphia californica*), a low, spiny shrub. Additional sensitive plant species are known from the area, such as White Coast Ceanothus (*Ceanothus verrucosus*), Torrey Pine (*Pinus torreyana*), Ashy Spike-moss (*Selaginella cinerascens*), and others. These may be present in less accessible the property. One sensitive animal species was also observed during the survey. This is California Gnatcatcher (*Poliopitila californica*), a federally listed Threatened Species. Two specimens were detected moving about the CSS on the property.

As part of the site evaluation, the presence of wetlands or "waters" was briefly examined. The south west corner of the property may be subject to inundation during heavy rainfall events. This area contains a drainage basin that likely collects sheet flow from the property. However, the preliminary study showed no clear evidence of the area supporting wetlands or "waters". The northern, steep area of the site also contains an arroyo that might contain drainage features with wetlands or waters. However, this area is essentially undevelopable and I understand that you would avoid it by design, regardless.

The subject property supports three plant communities, two of which are considered sensitive. It also supports at least two sensitive species, one of which is a federally listed Threatened Species. The presence of

1B-15

Comment Summary:

This comment refers to a Preliminary Biological Resources Assessment prepared in 2017 for the subject site by Vincent Scheidt. This letter is referred to in Comment 1B-11, above, and provides the basis for the commenter's concern pertaining to differences in the classification of habitat observed during the 2017 site reconnaissance survey (Scheidt) versus the 2022 survey conducted by ECORP Consulting, Inc. for the proposed project (see also EIR Appendix D, Biological Technical Report).

Response:

Refer to Response 1B-11, above. No change to the EIR discussion or findings is required based on this comment.

1B-15

these resources will likely constrain full site development, and mitigation will need to be developed to allow site grading and construction in the future.

This property was mapped during preparation of the Multiple Habitat Conservation Program (MHCP), a Subregional plan focused on seven northern San Diego County cities, including the City of Encinitas. This plan was approved in 2003 and has been implemented as a guiding document for local planning. The property is located within the City of Encinitas "La Costa Softline Focused Planning Area" (FPA). This means that proposed development will be subject to greater scrutiny than projects located outside of the FPA. The City of Encinitas has not finished or implemented a Subarea Plan under the MHCP.

In order to mitigate direct and indirect effects associated with grading and construction, you should anticipate the following:

- You will need a baseline Biological Resources Technical Report, including a protocol California Gnatcatcher survey, a species inventory and precise vegetation exhibit. We are attaching a rough map showing the approximate limits of each habitat.
- You will need incidental "take" authorization for impacts to California Gnatcatcher. The City of Encinitas should be able to assist with the securement of this authorization. We expect that you will need to process a "low-effect" HCP for the project.
- You may need a Coastal Development Permit from the California Coastal Commission.
- You will need to design a development project that provides mitigation for impacts to SMC and CSS. The required mitigation ratios vary between 2:1 and 3:1 because impacts are taking place inside the FPA. Impacts to FA would not trigger any specific mitigation requirements unless allowed to convert to native vegetation or Non-native Grassland.
- Should you elect to consider onsite open space, it appears that the applicable mitigation ratios may be met onsite assuming that the northern areas are conserved, offsetting impacts to southern areas.
- Because the property is mapped within the City of Encinitas La Costa Softline FPA and contains listed species, the following site-specific standards, from the MHCP, will also need to be addressed:

1. Connectivity. *Site-specific planning in this area must maximize preserve design by ensuring connectivity to adjacent open space in the FPA.*

2. Avoidance/onsite conservation. *All mitigation (e.g., coastal sage scrub, southern maritime chaparral) must be met by onsite conservation to ensure a viable preserve design in this area. Maintain/conservate enough coastal sage scrub in this area to support 5 to 6 pairs of gnatcatchers.*

3. Avoid species locations. *Avoid stands or individuals of Del Mar manzanita, and conserve occupied gnatcatcher habitat.*

These standards (number of gnatcatchers, etc.) refers to the entire La Costa Softline FPA region (see Figure 1, "A"), not specifically this site.

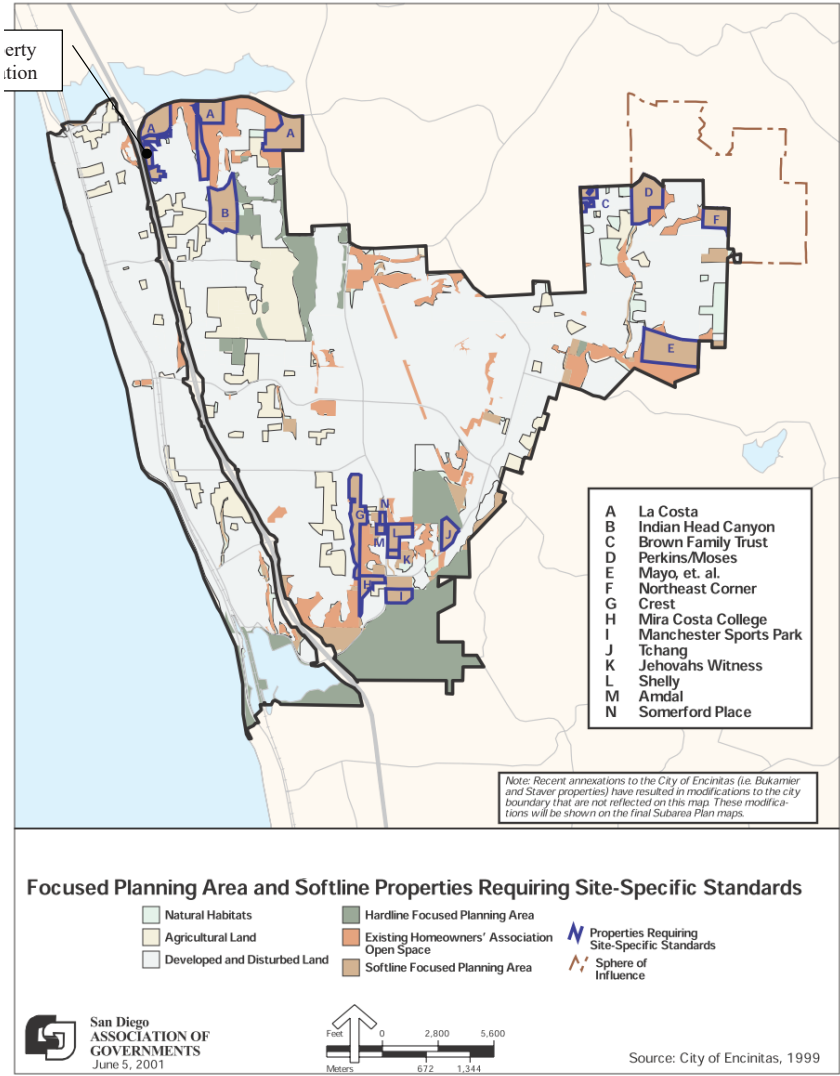
At this point, I recommend restricting all development to the least sensitive areas of the site. These are clearly the FA areas, especially on the southern portion of the site. Although this area supports a patch of CSS, it is not directly connected to any natural areas and thus subject to edge effects. For this reason, you may have the opportunity to remove this habitat by offsetting that loss on sensitive areas to the north.

The above mitigation discussion is based on preliminary findings only, and any conclusions are subject to confirmation in a comprehensive biology study.

1B-15,
cont'd

Preface and Responses to Comments








Figure 1. Regional Location: Cannon Property, Encinitas



1B-15,
cont'd

Figure 2. Aerial photo showing rough vegetation mapping: Cannon Property, Encinitas



 = Diegan Coastal Sage Scrub	 = Fallow Agriculture			
 = Southern Maritime Chaparral	 = California Gnatcatcher			

1B-15,
cont'd

Preface and Responses to Comments

Figure 2. Aerial photo showing rough vegetation mapping: Cannon Property, Encinitas



	= Diegan Coastal Sage Scrub		= Fallow Agriculture/Disturbed	 NO SCALE
	= Southern Maritime Chaparral			

1B-15,
cont'd

DocuSign Envelope ID: CE0D5CBF-02E1-44F7-9369-88A4AA7BBEEC



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 6, 2023

Nick Koutoufidis
City of Encinitas
505 South Vulcan Ave.
Encinitas, CA 92024
NKoutoufidis@encinitasca.gov

**Subject: Piraeus Point (PROJECT), Draft Environmental Impact Report (DEIR),
SCH #2022050516**

Dear Mr. Koutoufidis:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of Encinitas for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Piraeus Point Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code. CDFW also oversees the Natural Community Conservation Planning (NCCP) program. The City prepared a draft NCCP Subarea Plan under the Subregional Multiple Habitat Conservation Program (MHCP) addressing the cities in north San Diego County; however, the Encinitas Subarea Plan was never finalized, and

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

2 California Department of Fish and Wildlife (CDFW)

2-1

Comment Summary:

This comment indicates that CDFW received the Notice of Availability for the Draft EIR prepared for the proposed project and that the agency has provided comments and recommendations regarding the proposed project.

Response:

This comment is an introductory statement. No further response is required.

2-2

Comment Summary:

This comment explains CDFW's role as California's Trustee Agency for fish and wildlife resources, its legal obligations pursuant to CEQA, and its role as a responsible agency under CEQA.

Response:

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

2-1

2-2

Preface and Responses to Comments

DocuSign Envelope ID: CE0D5CBF-02E1-44F7-9369-88A4AA7BBEEC

Mr. Nick Koutoufidis
City of Encinitas
February 6, 2023
Page 2 of 5

applicable permits have not been issued by CDFW nor the U.S. Fish and Wildlife Service (USFWS; collectively, the Wildlife Agencies).

PROJECT DESCRIPTION SUMMARY

Proponent: City of Encinitas (City)

Objective: The objective of the Project is to construct a 149-home residential community on an 11.8-acre site in Encinitas.

Location: The Project site is located on the northeast corner of Piraeus Street and Plato Place in Encinitas, CA. The Project site runs parallel to Interstate 5, bounded by La Costa Avenue to the north, extending southward beyond Sky Loft Road, and bounded by Plato Place to the south. Batiquitos Lagoon is located just north of the Project site, across La Costa Avenue.

Biological Setting: The Project site is currently undeveloped. Vegetation on the Project site includes coastal sage scrub, chaparral, and grassland communities. Additional vegetation communities in the off-site preserve area include Diegan coastal sage scrub, California brittle bush scrub, and annual brome grassland. Several northern California black walnut trees and Mexican fan palms are present within the preserve area as well. Four special-status plants were identified on the Project site during reconnaissance and focused rare plant surveys: California adolphia (*Adolphia californica*; California Rare Plant Rank (CRPR) 2B.1), wart-stemmed ceanothus (*Ceanothus verrucosus*; CRPR 2B.2), Engelmann oak (*Quercus engelmannii*; CRPR 4.2), and ashy spike-moss (*Selaginella cinerascens*; CRPR 4.1). Special-status wildlife species observed or considered to have a high or moderate potential to occur within the project site include coastal California gnatcatcher (*Poliophtila californica californica*; federal Endangered Species Act (ESA)-threatened, California Species of Special Concern (SSC)), Cooper’s hawk (*Accipiter cooperii*; CDFW Watch List), monarch (*Danaus plexippus*; ESA-candidate species), San Diego desert woodrat (*Neotoma lepida intermedia*; SSC), and orange-throated whiptail (*Aspidoscelis hyperythra*; WL). The site is within USFWS-designated critical habitat for coastal California gnatcatcher.

Vegetation impacts and mitigation ratios are summarized in Table 3.3-2 below, and illustrated in Figure 3.3-3 (Attachment A):

Table 3.3-2: Impact Acreages of Vegetation Communities and Land Cover Types within the Project Site

Oberbauer Vegetation Communities	MCV Vegetation Communities	Development Area (Impact) (Acres)			Development Area (Impact) Total (Acres)	Required Mitigation Ratio	Total (Acres)
		Site	Off-site Improvements	FMZ			
Diegan Coastal Sage Scrub (32500)	California Sagebrush – California	0.77	0.16	-	0.93	2:1	1.86
	Buckwheat Scrub						
Southern Mixed Chaparral (37120)	Chamise Mission	0.65	<0.01	0.48	1.13	1:1	1.13
	Manzanita Chaparral ¹						
Coastal Scrub (32000)	Deerweed Scrub	1.38	0.06	-	1.44	2:1	2.88
Disturbed	Disturbed	2.96	0.27	0.05	3.28	-	3.28
Total					6.78	-	9.15

¹Sensitive vegetation community
²Excludes San Diego Gas and Electric (SDG&E) easement
 Notes: MCV = Manual of California Vegetation; FMZ = Fuel Modification Zone
 Source: EICORP 2022 (see Appendix D)

2-2
cont'd

2-3

2-3

Comment Summary:

This comment provides a summary of the project description, including details regarding the proposed project as well as the project objectives, location, and biological setting. The comment restates the anticipated habitat impacts and proposed mitigation ratios as included in EIR Section 3.3, Biological Resources.

Response:

This comment provides background information regarding the proposed project and is informational in nature. The comment does not raise any environmental concerns pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. No further response is required.

Mr. Nick Koutoufidis
City of Encinitas
February 6, 2023
Page 3 of 5

COMMENTS AND RECOMMENDATIONS

On November 23, 2022, CDFW provided informal comments on the Project prior to the public review period (attached). CDFW offers those comments and recommendations below for the public record, to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Comment #1: Conservation Easement

Mitigation Measure BIO-1 (MM BIO-1) states that the majority of mitigation for impacted vegetation communities will be met through establishment of an on- and off-site adjacent Preserve Area; 5.51 acres will be preserved in place, including 100% (0.71 acre) of Diegan coastal sage scrub/lemonade berry scrub and 72% (0.81 acre) of southern mixed chaparral/chamise-mission manzanita chaparral. MM BIO-1 indicates that the Preserve Area will be set aside as an open space conservation easement in favor of the City of Encinitas and that, prior to grading, a long-term management plan (LTMP) will be prepared to the satisfaction of the City and Wildlife Agencies. MM BIO-1 states that a preserve management plan will provide an entity and endowment funding to maintain the biological open space in perpetuity.

Recommendation #1: While CDFW appreciates the inclusion of a land protection instrument over the Preservation Area, an open space easement is not sufficient to ensure preservation for the purposes of conservation in perpetuity. We strongly recommend that a conservation easement be placed over the property, particularly considering that the site is within USFWS-designated gnatcatcher critical habitat and near Batiquitos lagoon. Conservation easements are a unique property interest created by statute for the purpose of retaining land "...predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition" (Civ. Code, § 815.1). Conservation easements are permanent, legally binding, and enforceable on all future landowners; as such, they are the strongest land protection instrument to guarantee conservation of mitigation land in perpetuity. We recommend that the City coordinate with the Wildlife Agencies to establish a conservation easement over the Preservation Area.

Comment #2: Scientific Collecting Permits

Mitigation Measure BIO-2 (MM BIO-2) indicates that a biological monitor will be on site during vegetation clearing and ground disturbance activities and will ensure that wildlife species are relocated out of the impact areas. The biological monitor will also deconstruct woodrat middens prior to vegetation clearing within the Development area. Middens within the Fire Management Zone (FMZ) will be protected in place to the extent practicable but may be deconstructed if deemed a fire hazard.

Recommendation #2: If wildlife is to be relocated, the on-site biologists should be required to obtain, as applicable, a Scientific Collecting Permit (SCP). A Species Relocation Plan may also be appropriate to establish protocol for relocation of wildlife, including guidelines for the SCP-holding biologist to capture unharmed and release found species in appropriate habitat an adequate distance from the project site, unless they are a Federally and/or State-listed species in which coordination and direction from USFWS and/or CDFW, respectively, shall be required.

Comment #3: Rare Plant Salvage and Avoidance

Mitigation Measure BIO-3 (MM BIO-3) indicates that 103 California adolphia will be avoided and preserved in place at the off-site Preserve Area. Nine California adolphia individuals within the FMZ will be flagged and avoided in place. The Project will directly impact 145 California adolphia individuals, and 0.02 acre of California adolphia habitat. The Project will mitigate for

2-4

2-5

2-6

2-7

2-4

Comment Summary:

This comment indicates that CDFW previously provided informal comments regarding the proposed project on November 23, 2022, prior to the public review period. The commenter states that such comments and recommendations are provided again in the subject comment letter (dated February 6, 2023) for the City's consideration in identifying and mitigating the project's significant direct and indirect impacts on sensitive biological resources.

Response:

This comment is introductory in nature and does not raise any environmental concerns pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. No further response is required. Refer to subsequent comments provided below.

2-5

Comment Summary:

This comment summarizes EIR mitigation measure BIO-1, which would establish an on- and offsite preserve area to be preserved in perpetuity and maintained via preparation and implementation of a long-term management plan, including identification of an entity and provision of endowment funding for maintenance purposes. The agency recommends that, instead of an open space easement, a conservation easement instead be placed over the proposed preserve area as this type of easement is "the strongest land protection instrument to guarantee conservation of mitigation land in perpetuity."

Response:

The City acknowledges the agency's recommendation to ensure long-term protection and management of the proposed preserve area via establishment of a conservation easement over the land area. The City is willing to consider implementing this approach and will continue to coordinate with the Wildlife Agencies to reach an agreement in order to ensure adequate long-term protection of habitat and species within the proposed preserve area. It is anticipated that the City will pursue

Preface and Responses to Comments

DocuSign Envelope ID: CE0D5CBF-02E1-44F7-9369-88A4AA7BBEEC

Mr. Nick Koutoufidis
City of Encinitas
February 6, 2023
Page 4 of 5

the impacts by salvaging seed for donation to a City refuge or preserve, donation to a local plant nursery, or propagation within an off-site mitigation area to the satisfaction of the City.

Recommendation #3: CDFW recommends that any propagation of California adolphia occur specifically to the Project's off-site Preserve Area, which shall be protected in perpetuity. The Wildlife Agencies request the opportunity to review and comment on seed salvage and/or propagation plans proposed for this species.

Comment #4: Off-site Mitigation

Mitigation Measure BIO-7 (MM BIO-7) indicates that off-site mitigation shall be required prior to grading, for an additional 1.92 acres of impacts to sensitive and/or mitigated habitats not achieved within the Preserve Area, including: 1.60 acres of coastal sage scrub within the Coastal Zone and 0.32 acre of southern mixed chaparral/chamise-mission manzanita chaparral. Mitigation will be achieved through purchase of mitigation credits or acquisition of land within the Coastal Zone. MM BIO-7 goes on to state that, "[b]ecause available land and established mitigation banks within the Coastal Zone are not available, and because the City of Encinitas Subarea Plan is still in draft form, purchasing of mitigation credits within a North County Multiple Habitat Planning Area mitigation bank (<https://www.sandiegocounty.gov/content/sdc/pds/mitbks.html>) or at another City-approved preserve area in the process of being established shall be negotiated to the satisfaction of the City, CDFW, and USFWS."

Recommendation #4: We appreciate that the Wildlife Agencies will be consulted regarding mitigation bank credit purchase. Any credits purchased need to be commensurate with Project impacts, at a mitigation bank with an executed Banking Enabling Instrument, and within the designated service area of that bank.

ENVIRONMENTAL DATA

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

ENVIRONMENTAL DOCUMENT FILING FEES

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

CONCLUSION

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

2-7
cont'd

2-8

2-9

2-10

2-11

establishment of a conservation easement using established USFWS standards and methods that would avoid the need for additional review at the state level, with the City ultimately adopting the easement to allow for enforcement.

2-6

Comment Summary:

This comment summarizes EIR mitigation measure BIO-2, which outlines the responsibilities of a biological monitor who would be required to be onsite during vegetation clearing and ground disturbance activities. The agency recommends that the onsite biologist be required to obtain, as applicable, a Scientific Collecting Permit in the event that wildlife needs to be relocated. The agency also states that a Species Relocation Plan may be required and outlines the requirements of such a plan.

Response:

In response to public comments received, mitigation measure BIO-2 has been revised to identify the requirement for a biological monitor to be present onsite to ensure wildlife species are relocated out of the impact area. The onsite biologist shall have appropriate training and permits, as applicable, relevant to the potential for wildlife relocation. A Species Relocation Plan shall be developed, as applicable, to the satisfaction of the wildlife agencies prior to any ground disturbance. Refer to Final EIR Section 3.3, Biological Resources for the revised text.

2-7

Comment Summary:

This comment summarizes EIR mitigation measure BIO-3 which outlines the requirements for mitigating impacts to California adolphia. The agency recommends that propagation of California adolphia occur in the offsite preserve area and requests that the Wildlife Agencies be granted permission to review and comment on seed salvage and/or propagation plans proposed for California adolphia.

Response:

The offsite preserve area will already preserve 103 individuals of California adolphia individuals in place without any habitat conversion, artificial

Mr. Nick Koutoufidis
City of Encinitas
February 6, 2023
Page 4 of 5

the impacts by salvaging seed for donation to a City refuge or preserve, donation to a local plant nursery, or propagation within an off-site mitigation area to the satisfaction of the City.

Recommendation #3: CDFW recommends that any propagation of California adolphia occur specifically to the Project's off-site Preserve Area, which shall be protected in perpetuity. The Wildlife Agencies request the opportunity to review and comment on seed salvage and/or propagation plans proposed for this species.

Comment #4: Off-site Mitigation

Mitigation Measure BIO-7 (MM BIO-7) indicates that off-site mitigation shall be required prior to grading, for an additional 1.92 acres of impacts to sensitive and/or mitigated habitats not achieved within the Preserve Area, including: 1.60 acres of coastal sage scrub within the Coastal Zone and 0.32 acre of southern mixed chaparral/chamise-mission manzanita chaparral. Mitigation will be achieved through purchase of mitigation credits or acquisition of land within the Coastal Zone. MM BIO-7 goes on to state that, "[b]ecause available land and established mitigation banks within the Coastal Zone are not available, and because the City of Encinitas Subarea Plan is still in draft form, purchasing of mitigation credits within a North County Multiple Habitat Planning Area mitigation bank (<https://www.sandiegocounty.gov/content/sdc/pds/mitbnks.html>) or at another City-approved preserve area in the process of being established shall be negotiated to the satisfaction of the City, CDFW, and USFWS."

Recommendation #4: We appreciate that the Wildlife Agencies will be consulted regarding mitigation bank credit purchase. Any credits purchased need to be commensurate with Project impacts, at a mitigation bank with an executed Banking Enabling Instrument, and within the designated service area of that bank.

ENVIRONMENTAL DATA

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

ENVIRONMENTAL DOCUMENT FILING FEES

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

CONCLUSION

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

2-7
cont'd

2-8

2-9

2-10

2-11

irrigation, or impacts of any kind within the preserve area. Therefore, the City acknowledges the direction provided, but would not incorporate this measure unless coastal sage scrub creation or enhancement is required within the preserve area. The requirement for a California adolphia propagation plan with input from the Wildlife Agencies shall be added as mitigation measure BIO-3B.

2-8

Comment Summary:

This comment summarizes EIR mitigation measure BIO-7, which outlines requirements for additional offsite mitigation, and explains the requirements for achieving offsite mitigation through the purchase of mitigation credits to the satisfaction of the City, CDFW, and USFWS. The commenter recommends that the Wildlife Agencies be consulted regarding mitigation bank credit purchase and that any credits purchased need to be commensurate with project impacts and within the designated service area of the mitigation bank selected.

Response:

The City acknowledges the direction provided relevant to the purchase of mitigation bank credits and will continue to work with the Wildlife Agencies to determine an appropriate additional offsite mitigation area that satisfies all parties involved and appropriately offsets project impacts.

2-9

Comment Summary:

The commenter notes that special status species and natural communities encountered during project surveys are to be reported to the California Natural Diversity Database per CEQA requirements and provides information on how such data can be submitted.

Response:

The City acknowledges the direction provided relevant to the reporting of special status species and natural communities encountered. The project applicant would be subject to all such requirements for any surveys conducted for the project to date, as well as for resources documented during any future site surveys.

Preface and Responses to Comments

DocuSign Envelope ID: CE0D5CBF-02E1-44F7-9369-88A4AA78BEEC

Mr. Nick Koutoufidis
City of Encinitas
February 6, 2023
Page 4 of 5

the impacts by salvaging seed for donation to a City refuge or preserve, donation to a local plant nursery, or propagation within an off-site mitigation area to the satisfaction of the City.

Recommendation #3: CDFW recommends that any propagation of California adolphia occur specifically to the Project's off-site Preserve Area, which shall be protected in perpetuity. The Wildlife Agencies request the opportunity to review and comment on seed salvage and/or propagation plans proposed for this species.

Comment #4: Off-site Mitigation

Mitigation Measure BIO-7 (MM BIO-7) indicates that off-site mitigation shall be required prior to grading, for an additional 1.92 acres of impacts to sensitive and/or mitigated habitats not achieved within the Preserve Area, including: 1.60 acres of coastal sage scrub within the Coastal Zone and 0.32 acre of southern mixed chaparral/chamise-mission manzanita chaparral. Mitigation will be achieved through purchase of mitigation credits or acquisition of land within the Coastal Zone. MM BIO-7 goes on to state that, "[b]ecause available land and established mitigation banks within the Coastal Zone are not available, and because the City of Encinitas Subarea Plan is still in draft form, purchasing of mitigation credits within a North County Multiple Habitat Planning Area mitigation bank (<https://www.sandiegocounty.gov/content/sdc/pds/mitbks.html>) or at another City-approved preserve area in the process of being established shall be negotiated to the satisfaction of the City, CDFW, and USFWS."

Recommendation #4: We appreciate that the Wildlife Agencies will be consulted regarding mitigation bank credit purchase. Any credits purchased need to be commensurate with Project impacts, at a mitigation bank with an executed Banking Enabling Instrument, and within the designated service area of that bank.

ENVIRONMENTAL DATA

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

ENVIRONMENTAL DOCUMENT FILING FEES

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

CONCLUSION

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



2-10

Comment Summary:

This comment provides a discussion of environmental document filing fees required by CDFW.

Response:

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

DocuSign Envelope ID: CE0D5CBF-02E1-44F7-9369-88A4AA7BBEEC

Mr. Nick Koutoufidis
City of Encinitas
February 6, 2023
Page 5 of 5

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

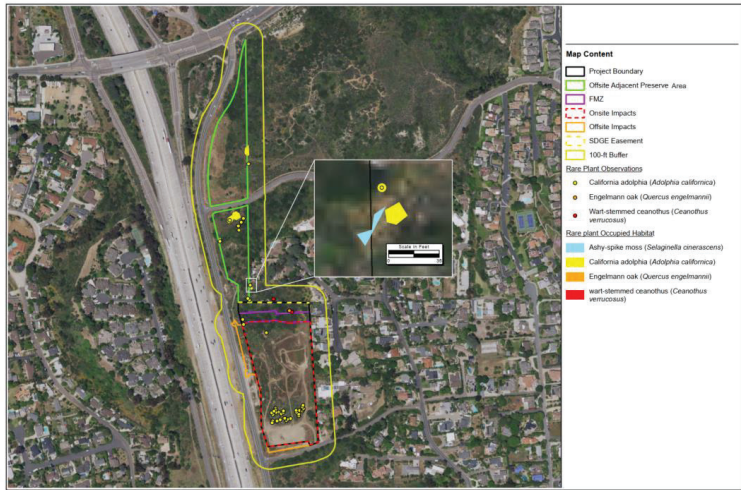
Sincerely,
DocuSigned by:

David Mayer
070084520375406...

David Mayer
Environmental Program Manager
South Coast Region

ec: CDFW
Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov
OPR
State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov
USFWS
David Zoutendyk – David.Zoutendyk@fws.gov

**Attachment A:
Biological Survey Results**



Michael Baker
INTERNATIONAL
Source: EDCORP Consulting, Inc. 2022

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT
Biological Survey Results - Plants
Figure 3.3-3

2-11
cont'd

Referenced
in 2-3

2-11

Comment Summary:

The comment is a conclusion to the comment letter and provides contact information for CDFW representatives as well as an attachment of Figure 3.3-3, Biological Survey Results – Plants, as provided in the EIR.

Response:

This comment is in conclusion to the comment letter. No further response is required.

Preface and Responses to Comments

**3A California Department of Transportation
(Caltrans)**

3A-1

Comment Summary:

This comment provides an introductory statement to the letter and requests that Synchro files used in preparing the traffic analysis for the EIR be provided to the agency.

Response:

The comment does not raise an environmental concern pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. Synchro files were provided electronically to Caltrans by Mr. Chris Stanley, Associate Planner, of the City of Encinitas Development Services Department on December 8, 2022, fulfilling the agency’s request.

3A-1

From: Chris Stanley
Sent: Tuesday, January 3, 2023 11:04 AM
To: Nick Koutoufidis
Subject: FW: synchro files for Piraeus Point DEIR traffic analysis

From: Dodson, Kimberly@DOT <kimberly.dodson@dot.ca.gov>
Sent: Thursday, December 8, 2022 1:22 PM
To: Chris Stanley <cstanley@encinitasca.gov>
Subject: RE: synchro files for Piraeus Point DEIR traffic analysis

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified the email address, and know the content is safe.

Hi Chris,

Thank you for sending the Synchro files.

Have a good day,

Kimberly D. Dodson, GISP, M. Eng.
Associate Transportation Planner
Caltrans District 11 LDR Branch
4050 Taylor St., MS-240
San Diego, CA 92110
Kimberly.Dodson@dot.ca.gov
Telework phone: 619-985-1587

From: Chris Stanley <cstanley@encinitasca.gov>
Sent: Thursday, December 8, 2022 12:30 PM
To: Dodson, Kimberly@DOT <kimberly.dodson@dot.ca.gov>
Subject: RE: synchro files for Piraeus Point DEIR traffic analysis

EXTERNAL EMAIL. Links/attachments may not be safe.

Hi Kimberly,

Please see the files attached.



Chris Stanley
Associate Planner
Development Services Department
505 South Vulcan Ave, Encinitas, CA 92024
760.633.2785 cstanley@encinitasca.gov
www.encinitasca.gov

Conduct business with the City of Encinitas [online](#) from the convenience of your office, home, or a mobile device!

Correspondents should be aware that all communications to and from this address are subject to public disclosure and may be reviewed by third parties.

[Please tell us how we are doing.](#)

The Development Services counter is open for in-person services on Monday-Thursday from 8 am-5 pm, and every other Friday from 8 am-4 pm. We value your needs, so it is our goal to reply to your inquiry within two business days.

From: Dodson, Kimberly@DOT <kimberly.dodson@dot.ca.gov>
Sent: Tuesday, December 6, 2022 11:50 AM
To: Chris Stanley <cstanley@encinitasca.gov>
Subject: FW: synchro files for Piraeus Point DEIR traffic analysis

[NOTICE: Caution: External Email]

Hi Chris,

Can you please provide the Synchro files for the traffic analysis for the Piraeus Point DEIR?] 3A-2

Thank you,

Kimberly D. Dodson, GISP, M. Eng.
Associate Transportation Planner
Caltrans District 11 LDR Branch
4050 Taylor St., MS-240
San Diego, CA 92110
Kimberly.Dodson@dot.ca.gov
Telework phone: 619-985-1587

From: Dodson, Kimberly@DOT
Sent: Tuesday, December 6, 2022 11:41 AM
To: nkoutoufidis@encinitasca.gov
Subject: synchro files for Piraeus Point DEIR traffic analysis

Hi Nicholas,

Can you please provide the Synchro files for the traffic analysis for the Piraeus Point DEIR?

Thank you,

Kimberly D. Dodson, GISP, M. Eng.
Associate Transportation Planner
Caltrans District 11 LDR Branch
4050 Taylor St., MS-240
San Diego, CA 92110
Kimberly.Dodson@dot.ca.gov
Telework phone: 619-985-1587

2

Preface and Responses to Comments

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
(619) 709-5152 | FAX (619) 688-4299 TTY 711
www.dot.ca.gov



February 6, 2023

11-SD- 5
PM 44,065
Piraeus Point
DEIR/SCH# 2022050516

Mr. Nicholas Koutoufidis
Senior Planner/Environmental Project Manager
City of Encinitas
505 South Vulcan Avenue
Encinitas, CA 92024

Dear Mr. Koutaoufidis:

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

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

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

We look forward to working with the City of Encinitas in areas where the City and Caltrans have joint jurisdiction to improve the transportation network and connections between various modes of travel, with the goal of improving the experience of those who use the transportation system.

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

3B-1

3B California Department of Transportation
(Caltrans)

3B-1

Comment Summary:

The comment summarizes the mission and goals of Caltrans.

Response:

This comment is an introductory statement and does not raise any environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Mr. Nicholas Koutoufidis, Senior Planner/Environmental Project Manager
February 6, 2023
Page 2

Caltrans has the following comments:

Traffic Impact Study

- Per section 3.12 the transportation impacts relative to VMT would remain significant and unavoidable. This is not acceptable and the project's VMT impact should be fully mitigated, per California Environmental Quality Act (CEQA) statutes. The project needs to investigate additional methods to address the VMT impact.

Hydrology and Drainage Studies

- Under current conditions, the majority of the project site drains northwest via surface/sheet flow and concentrates at the northwest corner of the property, before entering an existing 24" cross culvert under I-5. In the proposed condition, the majority of the project site drains southwest towards a biofiltration basin at the southwest corner of the property, before entering an existing 36" cross culvert under I-5. This split/diversion of flow is not supported by Caltrans and will require an Encroachment Policy Exception (EPE), regardless of the mitigation of peak flow by the biofiltration basin.
- A Proposed Development Footprint that maintains existing flow patterns should be investigated, considering that there is no guarantee that the EPE will be approved by the Department.
- The unmitigated post-development peak flow at the southwest point of concentration is increasing significantly. To mitigate this, the proposed biofiltration swale shows a reduction in peak flow from 29.89cfs to 0.12 cfs. Need to submit detail plan sheets of the biofiltration basin and the outlet structure, along with all necessary backup calculations to verify the peak flow reduction.
- Caltrans generally does not allow development projects to impact hydraulics within the State's Right-of-Way. Any modification to the existing Caltrans drainage and/or increase in runoff to State facilities will not be allowed.

Complete Streets and Mobility Network

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

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

3B-2

3B-3

3B-4

3B-5

3B-6

3B-7

3B-2

Comment Summary:

This comment states that it is unacceptable for the project's vehicle miles traveled (VMT) impacts to remain significant and unavoidable, as currently written in EIR Section 3.12, Transportation, and that additional methods to reduce VMT need to be studied.

Response:

Refer to Master Response 1.

3B-3

Comment Summary:

This comment indicates that the changes to surface/sheet flow on the project site between the existing and proposed condition are not supported by the agency and will require an Encroachment Policy Exception, despite the ability of the mitigation of peak flow by the proposed biofiltration basin.

Response:

Portions of the proposed project's storm water infrastructure have been revised to eliminate the need for an Encroachment Policy Exception.

3B-4

Comment Summary:

The commenter asserts that a project footprint that maintains existing flow patterns should be considered by the project applicant, as an Encroachment Policy Exception may not be approved by the agency.

Response:

Portions of the proposed project's storm water infrastructure have been revised to eliminate the need for an Encroachment Policy Exception.

Preface and Responses to Comments

Mr. Nicholas Koutoufidis, Senior Planner/Environmental Project Manager
February 6, 2023
Page 2

Caltrans has the following comments:

Traffic Impact Study

- Per section 3.12 the transportation impacts relative to VMT would remain significant and unavoidable. This is not acceptable and the project's VMT impact should be fully mitigated, per California Environmental Quality Act (CEQA) statutes. The project needs to investigate additional methods to address the VMT impact.

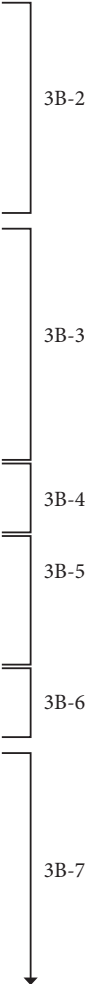
Hydrology and Drainage Studies

- Under current conditions, the majority of the project site drains northwest via surface/sheet flow and concentrates at the northwest corner of the property, before entering an existing 24" cross culvert under I-5. In the proposed condition, the majority of the project site drains southwest towards a biofiltration basin at the southwest corner of the property, before entering an existing 36" cross culvert under I-5. This split/diversion of flow is not supported by Caltrans and will require an Encroachment Policy Exception (EPE), regardless of the mitigation of peak flow by the biofiltration basin.
- A Proposed Development Footprint that maintains existing flow patterns should be investigated, considering that there is no guarantee that the EPE will be approved by the Department.
- The unmitigated post-development peak flow at the southwest point of concentration is increasing significantly. To mitigate this, the proposed biofiltration swale shows a reduction in peak flow from 29.89cfs to 0.12 cfs. Need to submit detail plan sheets of the biofiltration basin and the outlet structure, along with all necessary backup calculations to verify the peak flow reduction.
- Caltrans generally does not allow development projects to impact hydraulics within the State's Right-of-Way. Any modification to the existing Caltrans drainage and/or increase in runoff to State facilities will not be allowed.

Complete Streets and Mobility Network

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

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



3B-5

Comment Summary:

This comment indicates that detail plan sheets must be provided to support the notion that the proposed biofiltration swale would adequately mitigate for post-development peak flow at the southwest point of concentration.

Response:

As evaluated in EIR Section 3.8, Hydrology and Water Quality, the project has been designed to provide measures (e.g., biofiltration basin) to mitigate post-development peak flows onsite to below existing conditions. Appendix A, Existing and Post-Development Hydrology Node Maps; Appendix C, AES Existing Condition and Post-Development Output Reports; and, Appendix D, Hydrograph and Detention Calculations, of EIR Appendix I-1, Preliminary Hydrology Report, provide data on pre- and post-development conditions for the project site. Detailed plan sheets will be provided with final engineering design for the project.

3B-6

Comment Summary:

This comment notes that the agency does not generally allow development projects to impact hydraulics in the right of way of State-owned roadways, to modify existing Caltrans drainage, or to increase runoff to State-owned facilities.

Response:

The project does not increase runoff to State-owned facilities as suggested. Nonetheless, portions of the proposed project's storm water infrastructure have been revised to eliminate the need for an Encroachment Policy Exception.

3B-7

Comment Summary:

The commenter outlines Caltrans' goals for transportation improvements, identifies integral elements for a transportation network, and describes the types of enhancements that contribute to a complete and integrated

Mr. Nicholas Koutoufidis, Senior Planner/Environmental Project Manager
February 6, 2023
Page 3

with Caltrans, in locations that may affect both Caltrans and the City of Encinitas is encouraged.

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

Maintaining bicycle, pedestrian, and public transit access during construction is important. Mitigation to maintain bicycle, pedestrian, and public transit access during construction is in accordance with Caltrans' goals and policies.

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable "smart growth" type land use planning and policies.

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

Noise

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, the Department of Transportation (Caltrans) is not responsible for existing or future traffic noise impacts associated with the existing configuration of I-5.

Environmental

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

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

3B-7
cont'd

3B-8

3B-9

3B-10

3B-11

3B-12

transportation network. The commenter notes that Caltrans encourages early coordination when the agency itself and the City may be impacted.

Response:

The project has been designed in accordance with City engineering design standards to ensure that transportation or access-related improvements maintain public safety. The project also includes transportation demand measures to reduce automobile trips, both internal and external to the community, which include implementation of an electric bikeshare program (short-term rentals) and providing community based travel planning (provision of information to new residents on alternative travel modes, transit schedules, etc.). The project has been designed to incorporate an onsite community paseo providing pedestrian connection between the residential uses and the pool/common area, while also providing connection to the offsite sidewalk system. Sidewalks/pathways would be constructed along the onsite drives and along the frontage onto Piraeus Street and Plato Place. The City will continue to work with Caltrans on its goal to achieve an integrated transportation network.

3B-8

Comment Summary:

The commenter indicates that Caltrans awaits coordination with the City to identify potential Complete Streets Projects as the agency works to implement Complete Streets and climate change policies into State Highway Operations and Protection Program projects.

Response:

This is a general statement that is not specifically related to the proposed project. The comment does not raise an environmental concern relative to CEQA nor address the adequacy of the EIR. No further response is required. The City will continue with Caltrans to address the agency's Complete Streets and climate change goals and policies.

Preface and Responses to Comments

Mr. Nicholas Koutoufidis, Senior Planner/Environmental Project Manager
February 6, 2023
Page 3

with Caltrans, in locations that may affect both Caltrans and the City of Encinitas is encouraged.

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

Maintaining bicycle, pedestrian, and public transit access during construction is important. Mitigation to maintain bicycle, pedestrian, and public transit access during construction is in accordance with Caltrans' goals and policies.

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable "smart growth" type land use planning and policies.

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

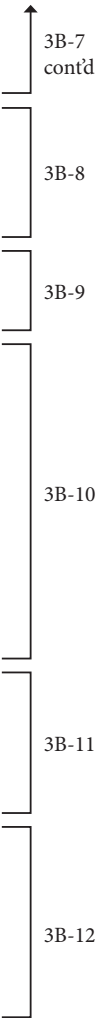
Noise

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, the Department of Transportation (Caltrans) is not responsible for existing or future traffic noise impacts associated with the existing configuration of I-5.

Environmental

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

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



3B-9

Comment Summary:

This comment notes that bicycle, pedestrian, and public transit access must be maintained during construction, and that such access must be mitigated per the agency's goals and policies.

Response:

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 that any existing access to public transit in the project vicinity is maintained.

3B-10

Comment Summary:

This comment provides a description of smart growth land use policies. The comment states that the City should coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

Response:

This is a general statement that is not specifically related to the proposed project. All project improvements have been considered and proposed in conformance with applicable local and State design regulations, as applicable, relative to land use and transportation. The project does not propose any improvements to local intersections at intersections or interchanges under the shared jurisdiction of the City and the Caltrans. The City will continue to work with Caltrans, as appropriate, to ensure that transportation-related issues are adequately addressed.

3B-11

Comment Summary:

The commenter states that Caltrans is not responsible for current or future noise impacts associated with the current configuration of Interstate 5 (I-5).

Mr. Nicholas Koutoufidis, Senior Planner/Environmental Project Manager
February 6, 2023
Page 3

with Caltrans, in locations that may affect both Caltrans and the City of Encinitas is encouraged.

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

Maintaining bicycle, pedestrian, and public transit access during construction is important. Mitigation to maintain bicycle, pedestrian, and public transit access during construction is in accordance with Caltrans' goals and policies.

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable "smart growth" type land use planning and policies.

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

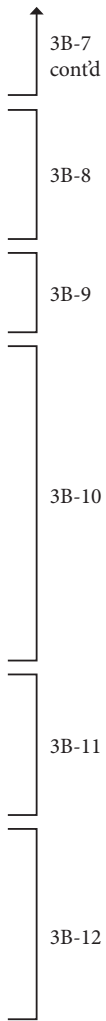
Noise

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, the Department of Transportation (Caltrans) is not responsible for existing or future traffic noise impacts associated with the existing configuration of I-5.

Environmental

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

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



Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

3B-12

Comment Summary:

This comment states that Caltrans serves a Responsible Agency for the project due the agency's discretionary authority of a portion of the project that is in Caltrans' right-of-way through the form of an encroachment permit process.

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. The project does not require an encroachment permit from Caltrans for the improvements proposed; no work within the Caltrans right-of-way is required.

Preface and Responses to Comments

Mr. Nicholas Koutoufidis, Senior Planner/Environmental Project Manager
February 6, 2023
Page 4

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

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

Broadband

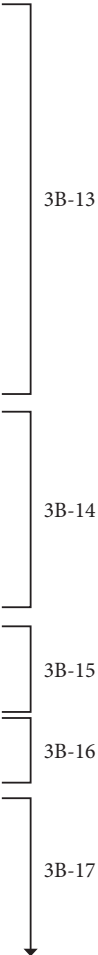
Caltrans recognizes that teleworking and remote learning lessen the impacts of traffic on our roadways and surrounding communities. This reduces the amount of VMT and decreases the amount of greenhouse gas (GHG) emissions and other pollutants. The availability of affordable and reliable, high-speed broadband is a key component in supporting travel demand management and reaching the state's transportation and climate action goals.

Right-of-Way

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

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

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



3B-13

Comment Summary:

The commenter states that an encroachment permit is required for work within the Caltrans' right-of-way. The commenter recommends that the project specifically identify and evaluate potential impacts caused by the project or impacts resulting from mitigation efforts that occur within Caltrans' right-of-way. The commenter states that Caltrans is interested in additional mitigation measures identified for the EIR.

Response:

No such encroachment work within Caltrans right-of-way is anticipated with the proposed project. Nonetheless, if required, the City and the project applicant would coordinate with Caltrans to obtain the necessary encroachment permits for work in the right-of-way. All potential environmental effects of the project as proposed (e.g., access improvements, lighting, drainage, landscaping, etc.) have been adequately evaluated in the EIR and mitigation measures identified to reduce such effects to below a level of significance.

3B-14

Comment Summary:

The commenter states the importance of affordable and reliable, high-speed broadband as it relates to supporting opportunities for telecommuting and travel demand management in reducing the impacts of traffic and decreasing greenhouse gas emissions and other pollutants in support of the State's transportation and climate action goals.

Response:

The comment is general and does not raise an environmental concern relative to CEQA nor address the adequacy of the EIR. Broadband service will be provided to all residential units within the proposed development to allow for telecommuting and remote learning, if desired by future residents. No further response is required.

Mr. Nicholas Koutoufidis, Senior Planner/Environmental Project Manager
February 6, 2023
Page 4

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

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

Broadband

Caltrans recognizes that teleworking and remote learning lessen the impacts of traffic on our roadways and surrounding communities. This reduces the amount of VMT and decreases the amount of greenhouse gas (GHG) emissions and other pollutants. The availability of affordable and reliable, high-speed broadband is a key component in supporting travel demand management and reaching the state's transportation and climate action goals.

Right-of-Way

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

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

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

3B-13

3B-14

3B-15

3B-16

3B-17

3B-15

Comment Summary:

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

Response:

A licensed land surveyor would be obtained if monuments are destroyed during project construction as the comment recommends. No further response is required.

3B-16

Comment Summary:

The commenter states that any work performed within the Caltrans' right-of-way will require discretionary review and approval by Caltrans, and an encroachment permit will be required for any work within the Caltrans' right-of-way prior to construction.

Response:

No such encroachment work within Caltrans right-of-way is anticipated by the proposed project. Nonetheless, if required, the City and the project applicant would coordinate with Caltrans to obtain the necessary encroachment permits for work in the State-owned right-of-way.

3B-17

Comment Summary:

This comment provides contact information relative to obtaining a Caltrans' encroachment permit.

Response:

The comment is informational and does not raise an environmental concern relative to CEQA, nor address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

Mr. Nicholas Koutoufidis, Senior Planner/Environmental Project Manager
February 6, 2023
Page 5

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

Sincerely,

Maurice A. Eaton

MAURICE EATON
Branch Chief
Local Development Review

↑
3B-17
cont'd

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



P.O. Box 235801 | Encinitas, CA 92023
encinitascommunitycollective@gmail.com | (760) 456-9042

February 6th, 2023

Nick Koutoufidis, Senior Planner
Development Services Department
City of Encinitas
505 South Vulcan Avenue,
Encinitas, CA 92024

LETTER OF CONCERN

RE: City of Encinitas Case No., MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022, and SUB-005391-2022”

Dear Mr. Koutoufidis:

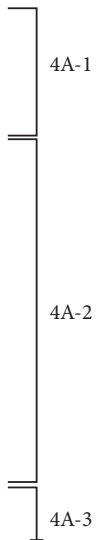
As per City of Encinitas Notice of Preparation dated December 9, 2023 of a DRAFT Environmental Impact Report, the ECC has completed their review of the above referenced Case No., for the “Piraeus Point Townhomes” project and is hereby attached as if fully set forth for your review and the City’s subsequent action.

The ECC supports the City’s General Plan and the Multi Habitat Conservation Program (MHCP) in recognizing that the irreplaceable sensitive habitat inland bluffs in North County need to be protected as legacy property. This requires identifying all of the environmental and quality of life impacts to the Encinitas community of the proposed “*Piraeus Point Townhomes.*”

This inland bluff project site is an important extension of the northern scenic visual corridor renowned as the “Gateway to Encinitas” as identified in the City of Encinitas General Plan. It is highly valued and appreciated by the City’s residents, visitors and all travelers of the Interstate Hwy-5 Corridor.

The subject property is clearly a legacy environmental connectivity inland bluff site that has been shown on several environmental studies for and behalf of State Agencies

It is evident that this environmentally sensitive bluff site is totally inappropriate to construct 16 monolithic densely packed 3-story with an occupiable roof deck structures



4A Encinitas Community Collective

4A-1

Comment Summary:

The commenter references the Notice of Preparation and EIR and indicates the Encinitas Community Collective (ECC) has completed review of such documents.

Response:

This comment provided are introductory. Refer to subsequent comments and responses below.

4A-2

Comment Summary:

The commenter acknowledges the location of the project site as part of the City’s inland bluffs and notes that “environmental and quality of life” impacts of the project should be identified. The commenter identifies the project site as an “extension of the northern scenic visual corridor” and gateway to the City of Encinitas.

Response:

The commenter does not raise a specific environmental concern nor question the adequacy of the EIR relevant to CEQA. Section 3.1, Aesthetics, of the EIR provides an analysis of the project site and potential effects on scenic resources in the area, including potential views to the site from I-5. Refer to subsequent comments which pertain more specifically to potential project effects pertaining to the inland bluffs and other visual resources.

4A-3

Comment Summary:

The comments provided are introductory and are covered in greater detail in subsequent comments below. The commenter asserts that, due to the sensitive bluffs, the site is inappropriate for development as proposed with regard to the number of units, density, and traffic generated. The

Preface and Responses to Comments



PIRAEUS POINT TOWNHOMES

with 149 Townhomes housing more than 350 to 500 people, with an excess of 300 vehicles.

The project is undeniably, ill-conceived and the city of Encinitas Housing Element Task Force was in gross error permitting this property as a Housing Element Candidate.

The following is a synopsis of the attached ECC *Piraeus Point Townhomes Environmental Analysis* which addresses the issues of concern to this rural community, in depth and detail.

Outline of Concerns Related to the proposed Piraeus Point Townhomes:

1. Environmental Setting. The proposed development is incompatible with the rural/residential character of the existing community, and will be a permanent blight on the existing neighborhood. It will degrade both the “quality of life” for the Piraeus Point Townhomes future residents, and the values of the existing surrounding properties.

2. Aesthetics. The site has significant natural attributes with endangered species and flora, that make it a highly inappropriate choice for such a high-density development.

3. Air Quality. The project is located within 200 meters of I-5 Interstate/international Highway where more than 200,000 to 250,000 vehicles travel 24/7 to Mexico and Canada. The location is also in a Non-Attainment Ambient Air Quality Standards Area. The U.S. EPA Administrator finds that the current and projected concentrations of the six key well-mixed GHGs— CO2, CH4, N2O, HFCs, PFCs, and SF6 in the atmosphere threaten the public health and welfare of current and future generations with cancer causing agents/pollutants. Why would the City allow 500 future residents breathe the 250,000 vehicle emissions 24/7 for what purpose?

4. Biological Resources. Coastal Sage Scrub (CSS) and Southern Maritime Chapparal have been identified and are a part of the Cannon Property Parcels A and B whereby nesting Gnatcatchers, an endangered specie, occupy the site.

Environmental Mitigation Credits Target Property - Parcel A APN 254-144-01-00 (6.93 Acres Gross/Net) and B APN 216-110-35-00 (4.39 Acres). The goal of a preservation and environmental mitigation program is to protect the “Target” properties, i.e., Parcels A and B, from being developed. The said program would enhance the disturbed areas of CSS, reintroduce endangered species, through rehabilitation efforts and preserve existing high quality upland habitat through site protection (easements and fences), and manage the “Target” Parcels A and B, in perpetuity by a designated 3rd Party. Note this property was pursued by the City of Encinitas and SANDAG 2018 to purchase as a Protected Environmental Habitat. Why not again, this time follow through and act.

5. Geology and Soils. The project site is located on or within very close proximity to the State Recorded La Costa Avenue Fault as initially identified by noted geologist Leonard Eisenberg and confirmed by Norrie Robbins, PhD (Professor Geology, San Diego State University). See Appendices A.

4A-3
cont'd

4A-4

4A-5

4A-6

4A-7

4A-8

commenter also asserts that the subject site should not have been identified as a Housing Element candidate site.

Response:

The General Plan Housing Element Update provides the City with a strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the Housing Element is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The project site is identified as the “Cannon Property (Piraeus) - Site Number 02” in the City’s Housing Element. The underlying purpose of the proposed project is to create a community that provides a mixture of product types that would offer opportunities for housing across income groups in conformance with the City’s 2013-2021 Housing Element.

4A-4

Comment Summary:

The commenter asserts that the project as proposed is incompatible with the existing neighborhood character and that it would degrade the quality of life for future project residents and the value of surrounding properties.

Response:

Refer to Master Response 4. The commenter does not provide specifics as to how the project is incompatible with the existing community character or how it would result in “permanent blight.” As discussed in EIR Section 3.1, Aesthetics, the project would have a less than significant impact on a scenic vista or other scenic resources and, being located in an urbanized area, would not conflict with applicable zoning or other regulations governing scenic quality.

Potential effects of a project on economic property values or quality of life are not considered environmental topics of concern relevant to CEQA. No further response is required.



PIRAEUS POINT TOWNHOMES

with 149 Townhomes housing more than 350 to 500 people, with an excess of 300 vehicles.

The project is undeniably, ill-conceived and the city of Encinitas Housing Element Task Force was in gross error permitting this property as a Housing Element Candidate.

The following is a synopsis of the attached ECC *Piraeus Point Townhomes Environmental Analysis* which addresses the issues of concern to this rural community, in depth and detail.

Outline of Concerns Related to the proposed Piraeus Point Townhomes:

1. Environmental Setting. The proposed development is incompatible with the rural/residential character of the existing community, and will be a permanent blight on the existing neighborhood. It will degrade both the “quality of life” for the Piraeus Point Townhomes future residents, and the values of the existing surrounding properties.

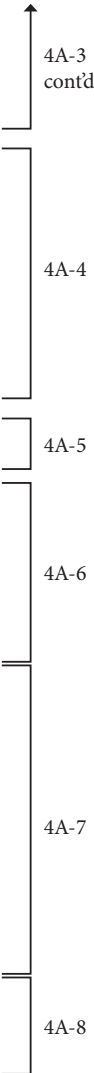
2. Aesthetics. The site has significant natural attributes with endangered species and flora, that make it a highly inappropriate choice for such a high-density development.

3. Air Quality. The project is located within 200 meters of I-5 Interstate/international Highway where more than 200,000 to 250,000 vehicles travel 24/7 to Mexico and Canada. The location is also in a Non-Attainment Ambient Air Quality Standards Area. The U.S. EPA Administrator finds that the current and projected concentrations of the six key well-mixed GHGs— CO2, CH4, N2O, HFCs, PFCs, and SF6 in the atmosphere threaten the public health and welfare of current and future generations with cancer causing agents/pollutants. Why would the City allow 500 future residents breathe the 250,000 vehicle emissions 24/7 for what purpose?

4. Biological Resources. Coastal Sage Scrub (CSS) and Southern Maritime Chapparal have been identified and are a part of the Cannon Property Parcels A and B whereby nesting Gnatcatchers, an endangered specie, occupy the site.

Environmental Mitigation Credits Target Property - Parcel A APN 254-144-01-00 (6.93 Acres Gross/Net) and B APN 216-110-35-00 (4.39 Acres). The goal of a preservation and environmental mitigation program is to protect the “Target” properties, i.e., Parcels A and B, from being developed. The said program would enhance the disturbed areas of CSS, reintroduce endangered species, through rehabilitation efforts and preserve existing high quality upland habitat through site protection (easements and fences), and manage the “Target” Parcels A and B, in perpetuity by a designated 3rd Party. Note this property was pursued by the City of Encinitas and SANDAG 2018 to purchase as a Protected Environmental Habitat. Why not again, this time follow through and act.

5. Geology and Soils. The project site is located on or within very close proximity to the State Recorded La Costa Avenue Fault as initially identified by noted geologist Leonard Eisenberg and confirmed by Norrie Robbins, PhD (Professor Geology, San Diego State University). See Appendices A.



4A-5

Comment Summary:

The commenter asserts that the project site has significant natural attributes with endangered species and flora, and that the site is therefore “inappropriate” for high-density development.

Response:

Refer to Master Response 4.

4A-6

Comment Summary:

The commenter identifies the project site as being within 200 meters of I-5 and indicates that the site is within a non-attainment area. The commenter identifies certain greenhouse gases that have the potential to affect public health and welfare and questions why the City would allow future residents to occupy the subject site and to breathe emissions generated by vehicles traveling on the interstate.

Response:

As indicated in EIR Section 3.2, Air Quality, an Air Quality Health Risk Assessment (HRA) was prepared to evaluate potential health risks to project residents due to Diesel Particulate Matter originating from proximity to I-5; refer to EIR Appendix C-2. The analysis was prepared using the California Office of Environmental Health Hazard Assessment methodologies as outlined by the California Air Pollution Control Officers Association.

Based on calculations included in the HRA, cancer risks for project residents resulting from exposure to suspended diesel particulates would exceed the established San Diego Air Pollution Control District’s excess cancer risk significance threshold of 10 per one million exposed and could therefore be considered a significant impact (Ldn Consulting, Inc. 2022). To ensure that levels for the proposed residential units remain below significance thresholds, mitigation measure AQ-1 is proposed to require installation of MERV-16 filtrations systems within each proposed residence to reduce potential indoor levels of PM_{2.5}. Detailed descriptions of the mitigated cancer risk using MERV 16 filtration are included in Table 3, Cancer Risk at

Preface and Responses to Comments



PIRAEUS POINT TOWNHOMES

with 149 Townhomes housing more than 350 to 500 people, with an excess of 300 vehicles.

The project is undeniably, ill-conceived and the city of Encinitas Housing Element Task Force was in gross error permitting this property as a Housing Element Candidate.

The following is a synopsis of the attached ECC *Piraeus Point Townhomes Environmental Analysis* which addresses the issues of concern to this rural community, in depth and detail.

Outline of Concerns Related to the proposed Piraeus Point Townhomes:

1. Environmental Setting. The proposed development is incompatible with the rural/residential character of the existing community, and will be a permanent blight on the existing neighborhood. It will degrade both the “quality of life” for the Piraeus Point Townhomes future residents, and the values of the existing surrounding properties.

2. Aesthetics. The site has significant natural attributes with endangered species and flora, that make it a highly inappropriate choice for such a high-density development.

3. Air Quality. The project is located within 200 meters of I-5 Interstate/international Highway where more than 200,000 to 250,000 vehicles travel 24/7 to Mexico and Canada. The location is also in a Non-Attainment Ambient Air Quality Standards Area. The U.S. EPA Administrator finds that the current and projected concentrations of the six key well-mixed GHGs— CO2, CH4, N2O, HFCs, PFCs, and SF6 in the atmosphere threaten the public health and welfare of current and future generations with cancer causing agents/pollutants. Why would the City allow 500 future residents breathe the 250,000 vehicle emissions 24/7 for what purpose?

4. Biological Resources. Coastal Sage Scrub (CSS) and Southern Maritime Chapparal have been identified and are a part of the Cannon Property Parcels A and B whereby nesting Gnatcatchers, an endangered specie, occupy the site.

Environmental Mitigation Credits Target Property - Parcel A APN 254-144-01-00 (6.93 Acres Gross/Net) and B APN 216-110-35-00 (4.39 Acres). The goal of a preservation and environmental mitigation program is to protect the “Target” properties, i.e., Parcels A and B, from being developed. The said program would enhance the disturbed areas of CSS, reintroduce endangered species, through rehabilitation efforts and preserve existing high quality upland habitat through site protection (easements and fences), and manage the “Target” Parcels A and B, in perpetuity by a designated 3rd Party. Note this property was pursued by the City of Encinitas and SANDAG 2018 to purchase as a Protected Environmental Habitat. Why not again, this time follow through and act.

5. Geology and Soils. The project site is located on or within very close proximity to the State Recorded La Costa Avenue Fault as initially identified by noted geologist Leonard Eisenberg and confirmed by Norrie Robbins, PhD (Professor Geology, San Diego State University). See Appendices A.

4A-3
cont'd

4A-4

4A-5

4A-6

4A-7

4A-8

Worst-Case Indoor Receptors (Mitigated with MERV 16) of EIR Appendix C-2. As identified in the EIR, such impacts would be reduced to less than significant with mitigation incorporated.

The project site has been identified in the City’s General Plan Housing Element Update for future residential development. The project is therefore consistent with the City’s intent for future development on the subject property. In addition, the Housing Element Environmental Assessment determined that impacts to sensitive receptors would be less than significant with mitigation measures incorporated. (Housing Element ESA, p. 4.2-13). Mitigation measures suggested in the Environmental Assessment include ventilation systems with MERV-13 or better on all residential units within 500 feet of I-5. The project’s use of MERV-16 is consistent with this requirement.

4A-7

Comment Summary:

The commenter notes that the site supports sensitive habitat occupied by California gnatcatcher and raises the potential to preserve and manage the overall project site through a “preservation and environmental mitigation program” over the long term. The commenter also states that the subject site was previously sought for purchase as a Protected Environmental Habitat in 2018 and questions whether this approach could be again pursued.

Response:

The project proposes that the northernmost parcel (Parcel B) be protected as an “off-site preserve area,” to be preserved in perpetuity and left in its current undeveloped state in order to mitigate for biological impacts resulting from development of the project site. The project would preserve approximately 5 acres in an undisturbed state, while allowing for development on the remainder of the overall 12-acre site to meet the City’s housing goals. As identified in the City’s Housing Element Update, the subject site is intended for residential development to assist the City in meeting State mandated housing goals.



PIRAEUS POINT TOWNHOMES

with 149 Townhomes housing more than 350 to 500 people, with an excess of 300 vehicles.

The project is undeniably, ill-conceived and the city of Encinitas Housing Element Task Force was in gross error permitting this property as a Housing Element Candidate.

The following is a synopsis of the attached ECC *Piraeus Point Townhomes Environmental Analysis* which addresses the issues of concern to this rural community, in depth and detail.

Outline of Concerns Related to the proposed Piraeus Point Townhomes:

1. Environmental Setting. The proposed development is incompatible with the rural/residential character of the existing community, and will be a permanent blight on the existing neighborhood. It will degrade both the “quality of life” for the Piraeus Point Townhomes future residents, and the values of the existing surrounding properties.

2. Aesthetics. The site has significant natural attributes with endangered species and flora, that make it a highly inappropriate choice for such a high-density development.

3. Air Quality. The project is located within 200 meters of I-5 Interstate/international Highway where more than 200,000 to 250,000 vehicles travel 24/7 to Mexico and Canada. The location is also in a Non-Attainment Ambient Air Quality Standards Area. The U.S. EPA Administrator finds that the current and projected concentrations of the six key well-mixed GHGs— CO2, CH4, N2O, HFCs, PFCs, and SF6 in the atmosphere threaten the public health and welfare of current and future generations with cancer causing agents/pollutants. Why would the City allow 500 future residents breathe the 250,000 vehicle emissions 24/7 for what purpose?

4. Biological Resources. Coastal Sage Scrub (CSS) and Southern Maritime Chapparal have been identified and are a part of the Cannon Property Parcels A and B whereby nesting Gnatcatchers, an endangered specie, occupy the site.

Environmental Mitigation Credits Target Property - Parcel A APN 254-144-01-00 (6.93 Acres Gross/Net) and B APN 216-110-35-00 (4.39 Acres). The goal of a preservation and environmental mitigation program is to protect the “Target” properties, i.e., Parcels A and B, from being developed. The said program would enhance the disturbed areas of CSS, reintroduce endangered species, through rehabilitation efforts and preserve existing high quality upland habitat through site protection (easements and fences), and manage the “Target” Parcels A and B, in perpetuity by a designated 3rd Party. Note this property was pursued by the City of Encinitas and SANDAG 2018 to purchase as a Protected Environmental Habitat. Why not again, this time follow through and act.

5. Geology and Soils. The project site is located on or within very close proximity to the State Recorded La Costa Avenue Fault as initially identified by noted geologist Leonard Eisenberg and confirmed by Norrie Robbins, PhD (Professor Geology, San Diego State University). See Appendices A.

4A-8

Comment Summary:

The commenter suggests that the project site is located on or within proximity a state recorded fault (La Costa Avenue Fault). The commenter refers the reader to Appendix A.

Response:

The California Department of Conservation and the County of San Diego do not recognize or identify the La Costa Avenue fault that the commenter has asserted. No evidence would suggest that the fault is active. Southern California, including the project site, is subject to the effects of seismic activity because of the active faults that traverse the region. As discussed in Section 3.6 of the EIR, no known active faults or potentially active faults transect or project toward the subject site, nor is the site located within an earthquake fault zone mapped by the state or by the County of San Diego. The nearest known active faults are the Newport-Inglewood Fault and Rose Canyon Fault Zone, located approximately 13 miles west of the site; refer also to Appendix G-1, Geotechnical Investigation, of the EIR. All impacts related to seismic activity have been identified as less than significant. No further response is required.

The EIR, and supporting technical analyses as appropriate, have been prepared by qualified professionals in conformance with applicable local and state regulations and requirements. The fault referenced by the commenter is not considered to represent a geological hazard to the proposed project and no further evaluation is required. The project site is in a seismically active region and could experience ground shaking associated with an earthquake along nearby faults, as identified in the EIR. Project conformance with the requirements of the California Building Code and other local design requirements would ensure that impacts resulting from exposure to strong seismic ground shaking on any local or regional faults would remain less than significant.

4A-3 cont'd
4A-4
4A-5
4A-6
4A-7
4A-8



PIRAEUS POINT TOWNHOMES

6. Hazardous Material/Hazardous Waste. A 2-acre +/- area of Parcel A, was cultivated for use as a Commercial Agricultural growing business from approximately 1998 to 2010. The ECC has aerial photos of an agricultural operation. There are community witnesses of agricultural pesticides being sprayed on the crops (probably well beyond the scope of permitted activities). (Ref., Minor Use Permit, Coastal Development Permit Case No. 98-209 MIN/CDP). See Appendices C.

4A-9

With the removal of 60,000 cubic yards and or 66,000 tons of soil over a period of 10 months the whole site is transformed and previous history is moot. Is this the new rule for the City, destroy the site property to ground zero? This is not good.

7. Noise. The ambient Sound Pressure Level (SPL) emanating from the Interstate-5, Freeway traffic 24/7 located within 200 meters from the project site, was recorded 3:00 PM Saturday January 8, 2022. The average SPL recorded was 66.5 dBA with a peak SPL of 81.7 dBA. See Appendices B, photo of Sound Pressure Level reading location on the Cannon Property Parcel A. The ECC is also greatly concerned about the unhealthy increase in noise that this project will generate onsite from more than 300 vehicles, resulting in a significant contribution to the existing noise levels and the negative impact to the adjacent community.

4A-10

8. Public Services and Facilities. The construction of the *Piraeus Point Townhomes* will without a doubt exacerbate the current "Safe Route to School" issue(s). The total lack of the City of Encinitas to provide for a meaningful SRTS program is a quantifiable negative significance per CEQA. With the "very low" income families with 50% of the median income and being subsidized by the U.S. Taxpayer and monitored by the IRS Code Section 142 and Section 42 per the Housing Economic Recovery Act (HERA) of 2008, to live in this future development is unconscionable that the neighborhood children cannot be protected by utilizing the same U.S. Taxpayer Funded Housing Bonds.

4A-11

9. Transportation and Circulation. The number of daily vehicles trips from the *Piraeus Point Townhomes* project will be more than 300 vehicles multiplied by a factor of 3.0 +/- equals >1,980 vehicle daily trips. An allowance factor for service vehicles will also increase and exacerbate the traffic volume issue on Piraeus Street by a theoretical factor of 3.0 +/- for an estimated total of 1,980 +/- daily vehicle trips. This increase in vehicle traffic will seriously impact the intersection of Piraeus Street and La Costa Avenue resulting in a Level of Service (LOS) of an F-Rating. The lateral roads intersections of Plato Place, Olympus Road and Normandy Road will be seriously impacted. There is no public transit serving this area. Vehicular traffic flow south on Piraeus Street to Leucadia Blvd., is not possible due to its closure in 1998 by Caltrans I-5 Widening Program.

4A-12

10. Utilities and Service Systems – Wastewater. The proposed *Piraeus Point Townhomes* 149 Equivalent Dwelling Units (EDU's) - with a population of 455* or more, persons - new connections having the potential to disrupt wastewater flow. The ECC is very much concerned with the present discharge capacity let alone discharging an additional *34,125 gallons per day (GPD) into a 70 year +/- 8-inch gravity flow sewer line

4A-13

(*306 bedrooms + 149 persons for 2-person bedroom occupancy) = 455 persons x 75 gallons/day = 34,125 GPD).

4A-9

Comment Summary:

The commenter asserts a portion of the northern parcel comprising the project site was formerly used for agricultural purposes and that the application of pesticides may have occurred as a result of such operations. The commenter points the reader to Appendix C (of the letter) for discussion.

The commenter also references proposed soil removal on-site to allow for project implementation and questions the extent of ground disturbance.

Response:

As discussed in EIR Section 3.7, Hazard and Hazardous Materials, based on the results of the Phase I ESA prepared for the project, there are no recognized environmental conditions (RECs) associated with the project site. A Phase II investigation was performed to determine whether pesticides and/or arsenic related to past prior agricultural use of the site were present in on-site soils. No evidence of any RECs in connection with the site was identified during the soil testing. Based on the findings of the Phase I and II assessments, it was concluded that no additional environmental assessment of the site or surrounding properties was warranted (Geocon 2021). Project compliance with applicable federal, state, and local regulations would ensure that the project does not 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.

As indicated in EIR Section 2.3.9, approximately 57,600 cubic yards of soil would be exported off-site for disposal. The amount of ground disturbance is site-specific, is influenced by site topography and constraints, and varies with the type and design of a development as proposed, as well as whether soils need to be removed due to potential contaminants or geological conditions. The upper layer of soil is considered unsuitable for support of additional fill and structural loads in its present state and will require remedial grading; see Appendix G-1. Historical landslide debris must also be removed and replaced with buttress fill to mitigate potential future instabilities.



PIRAEUS POINT TOWNHOMES

6. Hazardous Material/Hazardous Waste. A 2-acre +/- area of Parcel A, was cultivated for use as a Commercial Agricultural growing business from approximately 1998 to 2010. The ECC has aerial photos of an agricultural operation. There are community witnesses of agricultural pesticides being sprayed on the crops (probably well beyond the scope of permitted activities). (Ref., Minor Use Permit, Coastal Development Permit Case No. 98-209 MIN/CDP). See Appendices C.

With the removal of 60,000 cubic yards and or 66,000 tons of soil over a period of 10 months the whole site is transformed and previous history is moot. Is this the new rule for the City, destroy the site property to ground zero? This is not good.

7. Noise. The ambient Sound Pressure Level (SPL) emanating from the Interstate-5, Freeway traffic 24/7 located within 200 meters from the project site, was recorded 3:00 PM Saturday January 8, 2022. The average SPL recorded was 66.5 dBA with a peak SPL of 81.7 dBA. See Appendices B, photo of Sound Pressure Level reading location on the Cannon Property Parcel A. The ECC is also greatly concerned about the unhealthy increase in noise that this project will generate onsite from more than 300 vehicles, resulting in a significant contribution to the existing noise levels and the negative impact to the adjacent community.

8. Public Services and Facilities. The construction of the *Piraeus Point Townhomes* will without a doubt exacerbate the current "Safe Route to School" issue(s). The total lack of the City of Encinitas to provide for a meaningful SRTS program is a quantifiable negative significance per CEQA. With the "very low" income families with 50% of the median income and being subsidized by the U.S. Taxpayer and monitored by the IRS Code Section 142 and Section 42 per the Housing Economic Recovery Act (HERA) of 2008, to live in this future development is unconscionable that the neighborhood children cannot be protected by utilizing the same U.S. Taxpayer Funded Housing Bonds.

9. Transportation and Circulation. The number of daily vehicle trips from the *Piraeus Point Townhomes* project will be more than 300 vehicles multiplied by a factor of 3.0 +/- equals >1,980 vehicle daily trips. An allowance factor for service vehicles will also increase and exacerbate the traffic volume issue on Piraeus Street by a theoretical factor of 3.0 +/- for an estimated total of 1,980 +/- daily vehicle trips. This increase in vehicle traffic will seriously impact the intersection of Piraeus Street and La Costa Avenue resulting in a Level of Service (LOS) of an F-Rating. The lateral roads intersections of Plato Place, Olympus Road and Normandy Road will be seriously impacted. There is no public transit serving this area. Vehicular traffic flow south on Piraeus Street to Leucadia Blvd., is not possible due to its closure in 1998 by Caltrans I-5 Widening Program.

10. Utilities and Service Systems – Wastewater. The proposed *Piraeus Point Townhomes* 149 Equivalent Dwelling Units (EDU's) - with a population of 455* or more, persons - new connections having the potential to disrupt wastewater flow. The ECC is very much concerned with the present discharge capacity let alone discharging an additional *34,125 gallons per day (GPD) into a 70 year +/- 8-inch gravity flow sewer line

(*306 bedrooms + 149 persons for 2-person bedroom occupancy) = 455 persons x 75 gallons/day = 34,125 GPD).

4A-9

4A-10

4A-11

4A-12

4A-13

4A-10

Comment Summary:

The commenter indicates that readings were taken (on the Cannon property Parcel A) indicating average and peak noise levels generated from traffic along Interstate 5 and makes reference to an Appendix B for the location of the readings. The commenter also expresses concern that the project will cause "an unhealthy increase in noise" onsite from project-generated vehicle trips, as well as concern for traffic noise impacts on the adjacent community. It should be noted that the commenter makes reference to appendices that were attached to comments provided by the ECC in response to the Notice of Preparation (dated May 27, 2022) issued for the project.

Response:

Potential effects of project-generated traffic on off-site sensitive receptors was evaluated in Section 3.10, Noise, of the EIR. To determine if direct off-site noise level increases associated with the project would contribute to noise impacts, traffic volumes for the existing conditions were compared with the traffic volume increase of existing plus the proposed project. The project is estimated to generate 894 daily trips with a peak hour volume of 81 trips according to the project traffic study (Intersecting Metrics 2022). According to the traffic study, existing year traffic volumes along Piraeus Street are estimated at 1,786 average daily trips (ADT). Typically, a direct project impact requires that a project double (or add 100%) existing traffic volumes, or otherwise substantially contribute to existing traffic volumes, in order to increase noise levels by 3 dBA L_{dn}. Based on the number of ADT generated, the project would not cause a doubling in traffic volumes along any area roadways, or otherwise substantially increase area traffic volumes, that would contribute to a 3 dBA L_{dn} increase in noise levels. Noise impacts in this regard would be less than significant.

4A-11

Comment Summary:

The commenter asserts that the lack of safe routes to school program represents "a quantifiable negative significance" per CEQA and that project implementation would worsen such conditions. The commenter



PIRAEUS POINT TOWNHOMES

6. Hazardous Material/Hazardous Waste. A 2-acre +/- area of Parcel A, was cultivated for use as a Commercial Agricultural growing business from approximately 1998 to 2010. The ECC has aerial photos of an agricultural operation. There are community witnesses of agricultural pesticides being sprayed on the crops (probably well beyond the scope of permitted activities). (Ref., Minor Use Permit, Coastal Development Permit Case No. 98-209 MIN/CDP). See Appendices C.

4A-9

With the removal of 60,000 cubic yards and or 66,000 tons of soil over a period of 10 months the whole site is transformed and previous history is moot. Is this the new rule for the City, destroy the site property to ground zero? This is not good.

7. Noise. The ambient Sound Pressure Level (SPL) emanating from the Interstate-5, Freeway traffic 24/7 located within 200 meters from the project site, was recorded 3:00 PM Saturday January 8, 2022. The average SPL recorded was 66.5 dBA with a peak SPL of 81.7 dBA. See Appendices B, photo of Sound Pressure Level reading location on the Cannon Property Parcel A. The ECC is also greatly concerned about the unhealthy increase in noise that this project will generate onsite from more than 300 vehicles, resulting in a significant contribution to the existing noise levels and the negative impact to the adjacent community.

4A-10

8. Public Services and Facilities. The construction of the *Piraeus Point Townhomes* will without a doubt exacerbate the current "Safe Route to School" issue(s). The total lack of the City of Encinitas to provide for a meaningful SRTS program is a quantifiable negative significance per CEQA. With the "very low" income families with 50% of the median income and being subsidized by the U.S. Taxpayer and monitored by the IRS Code Section 142 and Section 42 per the Housing Economic Recovery Act (HERA) of 2008, to live in this future development is unconscionable that the neighborhood children cannot be protected by utilizing the same U.S. Taxpayer Funded Housing Bonds.

4A-11

9. Transportation and Circulation. The number of daily vehicles trips from the *Piraeus Point Townhomes* project will be more than 300 vehicles multiplied by a factor of 3.0 +/- equals >1,980 vehicle daily trips. An allowance factor for service vehicles will also increase and exacerbate the traffic volume issue on Piraeus Street by a theoretical factor of 3.0 +/- for an estimated total of 1,980 +/- daily vehicle trips. This increase in vehicle traffic will seriously impact the intersection of Piraeus Street and La Costa Avenue resulting in a Level of Service (LOS) of an F-Rating. The lateral roads intersections of Plato Place, Olympus Road and Normandy Road will be seriously impacted. There is no public transit serving this area. Vehicular traffic flow south on Piraeus Street to Leucadia Blvd., is not possible due to its closure in 1998 by Caltrans I-5 Widening Program.

4A-12

10. Utilities and Service Systems – Wastewater. The proposed *Piraeus Point Townhomes* 149 Equivalent Dwelling Units (EDU's) - with a population of 455* or more, persons - new connections having the potential to disrupt wastewater flow. The ECC is very much concerned with the present discharge capacity let alone discharging an additional *34,125 gallons per day (GPD) into a 70 year +/- 8-inch gravity flow sewer line

4A-13

(*306 bedrooms + 149 persons for 2-person bedroom occupancy) = 455 persons x 75 gallons/day = 34,125 GPD).

also asserts that the "low income" housing proposed with the project is being subsidized by the "US Taxpayer" and that similar "US Taxpayer Funded Housing Bonds" should be used to protect the neighborhood children (*through improvements to provide safe circulation for school children*).

Response:

Refer to Master Response 1.

The City acknowledges the comments provided pertaining to options for funding future circulation and public safety improvements. These comments do not raise an environmental concern pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

4A-12

Comment Summary:

The commenter asserts that daily vehicle trips from the project would exceed 1,980 average daily trips (ADT) as compared to the 894 ADT as stated in the EIR, including additional trips being generated by service vehicles. The commenter also asserts that the increase in vehicle traffic would impact the Piraeus Street/La Costa Avenue intersection, resulting in a level of service (LOS) F, with additional impacts occurring at the intersections of Plato Place, Olympus Road, and Normandy Road. The commenter notes there is no public transit serving the project area and that vehicular travel south along Piraeus Street to Leucadia Boulevard is not possible due to prior closure as the result of prior Interstate 5 improvements.

Response:

Refer to Master Response 1. As indicated in EIR Section 4.12, Transportation, the project would generate an estimated 894 ADT, based on trip generation rates (6 average daily trips/unit) derived from SANDAG's (Not So Brief Guide of Vehicular Traffic Generation Rates in the San Diego Region, dated April 2002 (see EIR Appendix K). The SANDAG Guide is the authoritative source for trip generation within San Diego County and is relied upon by San Diego County, SANDAG, and most municipalities in the San Diego region. Because the applicable VMT threshold is a regional



PIRAEUS POINT TOWNHOMES

6. Hazardous Material/Hazardous Waste. A 2-acre +/- area of Parcel A, was cultivated for use as a Commercial Agricultural growing business from approximately 1998 to 2010. The ECC has aerial photos of an agricultural operation. There are community witnesses of agricultural pesticides being sprayed on the crops (probably well beyond the scope of permitted activities). (Ref., Minor Use Permit, Coastal Development Permit Case No. 98-209 MIN/CDP). See Appendices C.

With the removal of 60,000 cubic yards and or 66,000 tons of soil over a period of 10 months the whole site is transformed and previous history is moot. Is this the new rule for the City, destroy the site property to ground zero? This is not good.

7. Noise. The ambient Sound Pressure Level (SPL) emanating from the Interstate-5, Freeway traffic 24/7 located within 200 meters from the project site, was recorded 3:00 PM Saturday January 8, 2022. The average SPL recorded was 66.5 dBA with a peak SPL of 81.7 dBA. See Appendices B, photo of Sound Pressure Level reading location on the Cannon Property Parcel A. The ECC is also greatly concerned about the unhealthy increase in noise that this project will generate onsite from more than 300 vehicles, resulting in a significant contribution to the existing noise levels and the negative impact to the adjacent community.

8. Public Services and Facilities. The construction of the *Piraeus Point Townhomes* will without a doubt exacerbate the current "Safe Route to School" issue(s). The total lack of the City of Encinitas to provide for a meaningful SRTS program is a quantifiable negative significance per CEQA. With the "very low" income families with 50% of the median income and being subsidized by the U.S. Taxpayer and monitored by the IRS Code Section 142 and Section 42 per the Housing Economic Recovery Act (HERA) of 2008, to live in this future development is unconscionable that the neighborhood children cannot be protected by utilizing the same U.S. Taxpayer Funded Housing Bonds.

9. Transportation and Circulation. The number of daily vehicles trips from the *Piraeus Point Townhomes* project will be more than 300 vehicles multiplied by a factor of 3.0 +/- equals >1,980 vehicle daily trips. An allowance factor for service vehicles will also increase and exacerbate the traffic volume issue on Piraeus Street by a theoretical factor of 3.0 +/- for an estimated total of 1,980 +/- daily vehicle trips. This increase in vehicle traffic will seriously impact the intersection of Piraeus Street and La Costa Avenue resulting in a Level of Service (LOS) of an F-Rating. The lateral roads intersections of Plato Place, Olympus Road and Normandy Road will be seriously impacted. There is no public transit serving this area. Vehicular traffic flow south on Piraeus Street to Leucadia Blvd., is not possible due to its closure in 1998 by Caltrans I-5 Widening Program.

10. Utilities and Service Systems – Wastewater. The proposed *Piraeus Point Townhomes* 149 Equivalent Dwelling Units (EDU's) - with a population of 455* or more, persons - new connections having the potential to disrupt wastewater flow. The ECC is very much concerned with the present discharge capacity let alone discharging an additional *34,125 gallons per day (GPD) into a 70 year +/- 8-inch gravity flow sewer line

(*306 bedrooms + 149 persons for 2-person bedroom occupancy) = 455 persons x 75 gallons/day = 34,125 GPD).

4A-9

4A-10

4A-11

4A-12

4A-13

average computed by SANDAG, use of the agency's trip generation manual also provides a level of consistency. The commenter does not provide a source to substantiate how the project would generate 1,980+/- ADT.

The City acknowledges the lack of public transit in the project vicinity and that access to Leucadia Boulevard is no longer provided as a result of improvements to Interstate 5 that occurred over 20 years ago. The commenter does not identify a specific environmental issue relative to either of these conditions. No further response is required.

4A-13

Comment Summary:

The commenter provides information on the anticipated wastewater generated by the project and expresses concern regarding capacity of the existing sewer system to accommodate flows from the proposed development, as well as age of the affected sewer infrastructure.

Response:

Refer to Master Response 2.



PIRAEUS POINT TOWNHOMES

10.1 Water. *The Piraeus Point Townhomes* will use an average of 75 GPD. [per the current Water Agencies Standards, Guidelines/San Dieguito Water District (SDWD)] including the irrigation water for drought tolerant plantings and trees. Based on 455 x 75 GPD capita per day usage the overall volume of water that will be consumed by this project equates to approximately 38-acre feet/year.

4A-14

10.2 Drought Issues. Currently a Level 2 advisory water reduction is in effect (until June 10, 2023) for all SDWD customers. Level 2 means each customer shall voluntarily reduce their water consumption by 10% and landscaping irrigation for functional grass areas only. It appears incongruous that major residential projects that will consume more than 38-acre feet are being considered or worse approved, while existing customers are reducing their usage due to the 3rd year drought condition. At the very least a moratorium should be enacted on all construction projects during the 3rd year of a State wide drought condition.

4A-15

10.3 Stormwater. The *Piraeus Point Townhomes* stormwater shall be pretreated prior to being discharged to the stormwater conveyance system. Stormwater overflows shall be discharged off site to an approved Best Available Control Technology (BACT) hydromodification pretreatment/retention location, possibly to the contiguous Environmental Mitigation Target Property Parcel B. Note all surface waters flow and subsurface drain to Batiqitos Lagoon.

4A-16

11.0 General Design Review. It is to be noted that there are also no recreational yards associated with the *Piraeus Point Townhomes* since each stacked townhome shared walls with common 2-hour (see California Residential Construction Code) fire rated independent walls back-to-back and side-to-side. Note no common utilities in adjacent/shared walls shall be allowed. Because of the monolithic block-concept a separation of 24ft., is designed for the drive-aisles. These drive-aisles are for access to the ground level garages and the Townhomes. Therefore, there are no ground level recreational yards. The Architect/Developer is utilizing the stepped roof(s) as a “recreational yard” however, the mandated solar photo voltaic panels (total 149 kW generation capability, plus A/C Heat Pump, outdoor furniture including BBQ equipment will need to be accommodated. It is to be noted, that during storm events 45 to 60 MPH winds or higher are quite common. Having loose furniture will be problematic. It is presumed the 149 Townhomes will have individual trash/recycling/organic waste containers x 3 = 437 separate containers. These will be located in the residents’ garages, not clear that this is the case.

4A-17

12.0 Parking Issues. There shall be no spillover or visitor parking allowed on Plato Place or Piraeus Street, as both are currently non-conforming rural roads. All 300 +/- cars whether residents, visitors or service delivery vehicles shall be parked on *Piraeus Point Townhomes* property only. Possibly, Lennar Homes will consider constructing underground parking to accommodate the overflow parking of the more than 300 vehicles that inevitably will happen.

4A-18

13.0 Lighting. Street Lamp Poles are required per the City SAC Meeting Report, on Piraeus Street only for the west property line parallel to Piraeus Street. However, the ECC is requesting that there shall be no pole lamps or roof-deck lighting or lights that project light into the night

4A-19

4A-14

Comment Summary:

The commenter provides information on anticipated water use for the project, including for purposes of irrigation.

Response:

Refer to Master Response 2.

4A-15

Comment Summary:

The commenter states that customers of the SDWD are currently subject to advisory water reduction measures and questions why development projects which have greater water demand needs are being approved while existing customers are having to reduce their water use. The commenter suggests that a moratorium should be enacted on all construction projects, as this is the 3rd year of a state-wide drought condition.

Response:

Water demand for the project is provided in EIR Section 3.14, Utilities and Service Systems. The SDWD has provided a letter to the project applicant indicating that the district can adequately serve the development as proposed. Once constructed, project residents would be subject to any future water restrictive measures as applicable over the long term.

4A-16

Comment Summary:

The commenter states that the project should pretreat stormwater runoff prior to it being discharged from the site and that stormwater overflows should be discharged offsite to an approved Best Available Control Technology hydromodification pretreatment/retention location, possibly to the contiguous Environmental Mitigation Target Property Parcel B. The commenter states that all surface waters flow and subsurface drain to Batiqitos Lagoon.



PIRAEUS POINT TOWNHOMES

10.1 Water. *The Piraeus Point Townhomes* will use an average of 75 GPD. [per the current Water Agencies Standards, Guidelines/San Dieguito Water District (SDWD)] including the irrigation water for drought tolerant plantings and trees. Based on 455 x 75 GPD capita per day usage the overall volume of water that will be consumed by this project equates to approximately 38-acre feet/year.

4A-14

10.2 Drought Issues. Currently a Level 2 advisory water reduction is in effect (until June 10, 2023) for all SDWD customers. Level 2 means each customer shall voluntarily reduce their water consumption by 10% and landscaping irrigation for functional grass areas only. It appears incongruous that major residential projects that will consume more than 38-acre feet are being considered or worse approved, while existing customers are reducing their usage due to the 3rd year drought condition. At the very least a moratorium should be enacted on all construction projects during the 3rd year of a State wide drought condition.

4A-15

10.3 Stormwater. The *Piraeus Point Townhomes* stormwater shall be pretreated prior to being discharged to the stormwater conveyance system. Stormwater overflows shall be discharged off site to an approved Best Available Control Technology (BACT) hydromodification pretreatment/retention location, possibly to the contiguous Environmental Mitigation Target Property Parcel B. Note all surface waters flow and subsurface drain to Batiquitos Lagoon.

4A-16

11.0 General Design Review. It is to be noted that there are also no recreational yards associated with the *Piraeus Point Townhomes* since each stacked townhome shared walls with common 2-hour (see California Residential Construction Code) fire rated independent walls back-to-back and side-to-side. Note no common utilities in adjacent/shared walls shall be allowed. Because of the monolithic block-concept a separation of 24ft., is designed for the drive-aisles. These drive-aisles are for access to the ground level garages and the Townhomes. Therefore, there are no ground level recreational yards. The Architect/Developer is utilizing the stepped roof(s) as a “recreational yard” however, the mandated solar photo voltaic panels (total 149 kW generation capability, plus A/C Heat Pump, outdoor furniture including BBQ equipment will need to be accommodated. It is to be noted, that during storm events 45 to 60 MPH winds or higher are quite common. Having loose furniture will be problematic. It is presumed the 149 Townhomes will have individual trash/recycling/organic waste containers x 3 = 437 separate containers. These will be located in the residents’ garages, not clear that this is the case.

4A-17

12.0 Parking Issues. There shall be no spillover or visitor parking allowed on Plato Place or Piraeus Street, as both are currently non-conforming rural roads. All 300 +/- cars whether residents, visitors or service delivery vehicles shall be parked on *Piraeus Point Townhomes* property only. Possibly, Lennar Homes will consider constructing underground parking to accommodate the overflow parking of the more than 300 vehicles that inevitably will happen.

4A-18

13.0 Lighting. Street Lamp Poles are required per the City SAC Meeting Report, on Piraeus Street only for the west property line parallel to Piraeus Street. However, the ECC is requesting that there shall be no pole lamps or roof-deck lighting or lights that project light into the night

4A-19

Response:

The project design includes an on-site biofiltration basin that would provide stormwater pollutant control to meet the treatment and flow control requirements of the San Diego RWQCB municipal stormwater permit and City of Encinitas Best Management Practices (BMP) Manual for post-construction best management practices. Refer also to EIR Section 3.8, Hydrology and Water Quality. With the proposed on-site improvements and improvements to the existing storm drain system, the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality or ground water quality. Rather, it would substantially improve upon existing conditions through the on-site capture and treatment of stormwater.

4A-17

Comment Summary:

The commenter notes that there are no recreational yards proposed because of fire-rated back-to-back shared fire-rated walls and that no common utilities in shared walls should be allowed. The commenter states that there are no ground level recreational yards because of the proposed on-site drive aisles provided for access. The commenter indicates that the applicant intends the rooftops will serve as recreational yards, but that solar equipment, heating and cooling equipment, and other items may need to be accommodated in such space, and that such spaces may be subject to wind events. The commenter also expresses concern relative to where individual trash/recycling/organic waste containers for each unit will be accommodated on-site.

Response:

None of the issues raised by such comments identify an issue of environmental concern relative to CEQA; no further response is therefore required. The project has been designed to meet the City’s recreational open space requirements via the provision of rooftop decks and the on-site pool/spa/gathering space and community paseo (required open space = 300 square feet/unit; proposed open space = 343 square feet/unit). Whether wind events would affect the potential use of rooftop decks is speculative. All buildings have been designed in accordance with applicable building and fire codes to ensure public and resident safety.



PIRAEUS POINT TOWNHOMES

10.1 Water. *The Piraeus Point Townhomes* will use an average of 75 GPD. [per the current Water Agencies Standards, Guidelines/San Dieguito Water District (SDWD)] including the irrigation water for drought tolerant plantings and trees. Based on 455 x 75 GPD capita per day usage the overall volume of water that will be consumed by this project equates to approximately 38-acre feet/year.

4A-14

10.2 Drought Issues. Currently a Level 2 advisory water reduction is in effect (until June 10, 2023) for all SDWD customers. Level 2 means each customer shall voluntarily reduce their water consumption by 10% and landscaping irrigation for functional grass areas only. It appears incongruous that major residential projects that will consume more than 38-acre feet are being considered or worse approved, while existing customers are reducing their usage due to the 3rd year drought condition. At the very least a moratorium should be enacted on all construction projects during the 3rd year of a State wide drought condition.

4A-15

10.3 Stormwater. The *Piraeus Point Townhomes* stormwater shall be pretreated prior to being discharged to the stormwater conveyance system. Stormwater overflows shall be discharged off site to an approved Best Available Control Technology (BACT) hydromodification pretreatment/retention location, possibly to the contiguous Environmental Mitigation Target Property Parcel B. Note all surface waters flow and subsurface drain to Batiquitos Lagoon.

4A-16

11.0 General Design Review. It is to be noted that there are also no recreational yards associated with the *Piraeus Point Townhomes* since each stacked townhome shared walls with common 2-hour (see California Residential Construction Code) fire rated independent walls back-to-back and side-to-side. Note no common utilities in adjacent/shared walls shall be allowed. Because of the monolithic block-concept a separation of 24ft., is designed for the drive-aisles. These drive-aisles are for access to the ground level garages and the Townhomes. Therefore, there are no ground level recreational yards. The Architect/Developer is utilizing the stepped roof(s) as a “recreational yard” however, the mandated solar photo voltaic panels (total 149 kW generation capability, plus A/C Heat Pump, outdoor furniture including BBQ equipment will need to be accommodated. It is to be noted, that during storm events 45 to 60 MPH winds or higher are quite common. Having loose furniture will be problematic. It is presumed the 149 Townhomes will have individual trash/recycling/organic waste containers x 3 = 437 separate containers. These will be located in the residents’ garages, not clear that this is the case.

4A-17

12.0 Parking Issues. There shall be no spillover or visitor parking allowed on Plato Place or Piraeus Street, as both are currently non-conforming rural roads. All 300 +/- cars whether residents, visitors or service delivery vehicles shall be parked on *Piraeus Point Townhomes* property only. Possibly, Lennar Homes will consider constructing underground parking to accommodate the overflow parking of the more than 300 vehicles that inevitably will happen.

4A-18

13.0 Lighting. Street Lamp Poles are required per the City SAC Meeting Report, on Piraeus Street only for the west property line parallel to Piraeus Street. However, the ECC is requesting that there shall be no pole lamps or roof-deck lighting or lights that project light into the night

4A-19

The storage of all waste collection containers would be regulated and monitored by the HOA.

4A-18

Comment Summary:

The commenter states that there should be no spillover of project-related parking onto adjacent streets and that all parking should occur on-site. The commenter suggests that the applicant consider underground parking to accommodate any overflow parking that may occur.

Response:

Refer to Master Response 1.

4A-19

Comment Summary:

The commenter states the requirement for light poles to be installed along the project’s frontage along Piraeus Street. The commenter also requests that no lighting be installed that would project light into the night sky or surrounding community. The commenter notes that Leucadia is a dark skies community, in particular due to proximity to Batiquitos Lagoon.

Response:

The project would install on-site lighting to provide an adequate level of nighttime lighting for safe motorized and non-motorized circulation and to increase public safety for nighttime pedestrian and bicyclist use. Lighting would also be installed at the access driveways off of Plato Place and Piraeus Street to identify the project entrance and to provide safe ingress and egress. Light poles are not proposed along the project frontage on Piraeus Street or Plato Place.

As indicated in Section 3.1, Aesthetics, as demonstrated by the Lighting Plan prepared for the project (Visual Concepts Lighting, Inc. 2022; see EIR Appendix B), all proposed lighting would conform with City design standards which require low-level lighting that would not exceed 0.5 foot-candle levels at the property line; light poles at a maximum height of 18 feet in height; and low-level lighting directed downward via 90-degree cutoffs to reduce light overspill onto adjacent properties (including the proposed



PIRAEUS POINT TOWNHOMES

sky or the surrounding community. LEUCADIA is a DARK SKIES Community because of the sensitivity and close proximity to Batiquitos Lagoon.

14.0 Trees and Plantings. The ECC believes that the following setbacks: 1) A 60-foot set back along Piraeus 2) A 15-foot set back at Plato Place 3) A 16-foot east property line setback to accommodate the existing SDG&E high voltage overhead, wooden power poles 4) A 50-foot setback - per CEQA - from the ravine at the north property line will limit the available area for the required planting of 30 native trees per acre. All plantings shall be native drought tolerant and non-invasive.

15.0 Low Income. The ECC is requesting that 15% of the “very low-income” townhome units in lieu of the prescribed 10%, shall be sold for home ownership to independent, qualified (with an annual income of 50% of the median income in San Diego County as per the Multifamily Housing Program for the Tax Subsidy Project Limits (per 2008 HERA/HUD) and promulgated by California Department Housing Community Development CA-DHCD). As enforced and monitored by IRS Code Sections 142 and 42. This request is a social-equity moral issue - not an economic one. Lennar Homes as a publicly traded corporation should consider the Public Relations of voluntarily embracing the social equity compliance of this change.

16.0 Application Project Review. The ECC conducted a review of the Applicants package as follows:

HERA 2008 Compliant: It is to be noted that since HERA 2008 Taxpayer Funds are financing this project then fully compliance shall be initiated whereby elevators shall be installed for each Townhome, e.g., vertical transportation aka elevators are required for residents 55 years or older or people with disabilities. Without these Code required amenities the housing project will be seen as an age discrimination project, i.e., only for people who are less than 40 years of age and also “Low Income.”

Parcel B area 4.93 acres, is totally unbuildable and is located within the City of Encinitas Subarea Plan of the MHCP Coastal Sage Scrub (CSS) and Southern Maritime Chaparral and California Gnatcatchers. Additionally, SDG&E 12.6 kV distribution lines power poles - with stepdown transformers - crosses the south portion of Parcel B between Sky Loft Road and Plato Place, as per a ROW recorded easement and so noted within the Cannon Property Title Report. The power lines shall be placed underground in accord with the City policy towards new construction projects and the City Ordinances.

Additionally, The City Housing Element Inclusionary Economic Analysis specifically for Townhomes - see pages 88-90/420 – indicate the allowable density of Townhomes is R-15, i.e., maximum of 15 townhomes per acre. Therefore, with approximately 4 acres of buildable acreage a quantity of 60 Townhomes is most likely the maximum quantity allowed for Parcel A. It is not clearly explained how 60 Townhomes per the City Housing Element can morph into 149 Townhomes. Is this magic or an illusion?

4A-19
cont'd

4A-20

4A-21

4A-22

4A-23

4A-24

off-site preserve area adjacent to the north and existing residential uses to the east). The Conceptual Lighting Plan was prepared as part of the project improvement plans to demonstrate that on-site lighting levels with project implementation would meet City requirements for nighttime lighting levels at the property line. Consistency with City requirements would ensure the minimization of potential impacts associated with the provision of night-lighting that might otherwise adversely affect nighttime views in the area. Refer also to EIR Section 3.3, Biological Resources, which addresses potential indirect effects on adjacent habitats from project lighting.

4A-20

Comment Summary:

The commenter proposes a number of development setbacks that would “limit the available area for the required planting of 30 native trees per acre.” The commenter also states that all planting shall be native drought tolerant and non-invasive species.

Response:

As designed, project landscaping includes plantings that would meet the applicable requirement to provide 30 trees per acre within the proposed development area (Parcel A). Project conformance with such requirements would be ensured through the City’s discretionary review process prior to project approval. As indicated on the proposed Conceptual Landscape Plan, all proposed plantings would be native or drought tolerant and non-invasive species in accordance with City landscaping requirements and with respect for water conservation and adjacency to the proposed biological preserve area to the north.

4A-21

Comment Summary:

The commenter requests that the applicant consider increasing the number of very low income units offered to 15 percent of the total units versus the 10 percent as proposed as a “social-equity moral issue.”

Preface and Responses to Comments



PIRAEUS POINT TOWNHOMES

sky or the surrounding community. LEUCADIA is a DARK SKIES Community because of the sensitivity and close proximity to Batiqitos Lagoon.

14.0 Trees and Plantings. The ECC believes that the following setbacks: 1) A 60-foot set back along Piraeus 2) A 15-foot set back at Plato Place 3) A 16-foot east property line setback to accommodate the existing SDG&E high voltage overhead, wooden power poles 4) A 50-foot setback - per CEQA - from the ravine at the north property line will limit the available area for the required planting of 30 native trees per acre. All plantings shall be native drought tolerant and non-invasive.

15.0 Low Income. The ECC is requesting that 15% of the “very low-income” townhome units in lieu of the prescribed 10%, shall be sold for home ownership to independent, qualified (with an annual income of 50% of the median income in San Diego County as per the Multifamily Housing Program for the Tax Subsidy Project Limits (per 2008 HERA/HUD) and promulgated by California Department Housing Community Development CA-DHCD). As enforced and monitored by IRS Code Sections 142 and 42. This request is a social-equity moral issue - not an economic one. Lennar Homes as a publicly traded corporation should consider the Public Relations of voluntarily embracing the social equity compliance of this change.

16.0 Application Project Review. The ECC conducted a review of the Applicants package as follows:

HERA 2008 Compliant: It is to be noted that since HERA 2008 Taxpayer Funds are financing this project then fully compliance shall be initiated whereby elevators shall be installed for each Townhome, e.g., vertical transportation aka elevators are required for residents 55 years or older or people with disabilities. Without these Code required amenities the housing project will be seen as an age discrimination project, i.e., only for people who are less than 40 years of age and also “Low Income.”

Parcel B area 4.93 acres, is totally unbuildable and is located within the City of Encinitas Subarea Plan of the MHCP Coastal Sage Scrub (CSS) and Southern Maritime Chapparal and California Gnatcatchers. Additionally, SDG&E 12.6 kV distribution lines power poles - with stepdown transformers - crosses the south portion of Parcel B between Sky Loft Road and Plato Place, as per a ROW recorded easement and so noted within the Cannon Property Title Report. The power lines shall be placed underground in accord with the City policy towards new construction projects and the City Ordinances.

Additionally, The City Housing Element Inclusionary Economic Analysis specifically for Townhomes - see pages 88-90/420 – indicate the allowable density of Townhomes is R-15, i.e., maximum of 15 townhomes per acre. Therefore, with approximately 4 acres of buildable acreage a quantity of 60 Townhomes is most likely the maximum quantity allowed for Parcel A. It is not clearly explained how 60 Townhomes per the City Housing Element can morph into 149 Townhomes. Is this magic or an illusion?

4A-19
cont'd

4A-20

4A-21

4A-22

4A-23

4A-24

Response:

The comments provided do not raise an environmental issue of concern relative to CEQA. The project as proposed (15 very low income housing units) is currently in compliance with applicable state-mandated affordable housing requirements and the City’s General Plan Housing Element Update relative to the provision of affordable housing.

4A-22

Comment Summary:

The commenter indicates that the project is required to install elevators within each townhome, as HERA Taxpayer Funds are being used to finance the project. The commenter states that without elevators, the project “will be seen as an age discriminating project.”

Response:

The commenter does not raise an environmental issue of concern relevant to CEQA nor question the adequacy of the EIR. HERA taxpayer funds are not being used for the project. The project has been designed in conformance with all applicable building code and accessibility requirements. No further response is required.

4A-23

Comment Summary:

The commenter states that Parcel B (northernmost parcel) is “unbuildable” and notes its location within the City’s Subarea Plan, as well as the presence of sensitive habitat and California gnatcatcher. The commenter states that the project shall underground the existing power lines traversing the property in accordance with City requirements.

Response:

As stated in EIR Section 2.1, Parcel B totals 4.95 acres (gross) in size. As discussed in Section 3.3, Biological Resources, of the EIR, the presence of CSS and southern maritime chapparal, along with gnatcatcher occupied CSS, and location within the Subarea Plan are all documented in the EIR. The project does not propose to develop Parcel B and instead, would preserve the parcel in perpetuity in its current undeveloped state in order



PIRAEUS POINT TOWNHOMES

sky or the surrounding community. LEUCADIA is a DARK SKIES Community because of the sensitivity and close proximity to Batiqitos Lagoon.

14.0 Trees and Plantings. The ECC believes that the following setbacks: 1) A 60-foot set back along Piraeus 2) A 15-foot set back at Plato Place 3) A 16-foot east property line setback to accommodate the existing SDG&E high voltage overhead, wooden power poles 4) A 50-foot setback - per CEQA - from the ravine at the north property line will limit the available area for the required planting of 30 native trees per acre. All plantings shall be native drought tolerant and non-invasive.

15.0 Low Income. The ECC is requesting that 15% of the “very low-income” townhome units in lieu of the prescribed 10%, shall be sold for home ownership to independent, qualified (with an annual income of 50% of the median income in San Diego County as per the Multifamily Housing Program for the Tax Subsidy Project Limits (per 2008 HERA/HUD) and promulgated by California Department Housing Community Development CA-DHCD). As enforced and monitored by IRS Code Sections 142 and 42. This request is a social-equity moral issue - not an economic one. Lennar Homes as a publicly traded corporation should consider the Public Relations of voluntarily embracing the social equity compliance of this change.

16.0 Application Project Review. The ECC conducted a review of the Applicants package as follows:

HERA 2008 Compliant: It is to be noted that since HERA 2008 Taxpayer Funds are financing this project then full compliance shall be initiated whereby elevators shall be installed for each Townhome, e.g., vertical transportation aka elevators are required for residents 55 years or older or people with disabilities. Without these Code required amenities the housing project will be seen as an age discrimination project, i.e., only for people who are less than 40 years of age and also “Low Income.”

Parcel B area 4.93 acres, is totally unbuildable and is located within the City of Encinitas Subarea Plan of the MHCP Coastal Sage Scrub (CSS) and Southern Maritime Chaparral and California Gnatcatchers. Additionally, SDG&E 12.6 kV distribution lines power poles - with stepdown transformers - crosses the south portion of Parcel B between Sky Loft Road and Plato Place, as per a ROW recorded easement and so noted within the Cannon Property Title Report. The power lines shall be placed underground in accord with the City policy towards new construction projects and the City Ordinances.

Additionally, The City Housing Element Inclusionary Economic Analysis specifically for Townhomes - see pages 88-90/420 – indicate the allowable density of Townhomes is R-15, i.e., maximum of 15 townhomes per acre. Therefore, with approximately 4 acres of buildable acreage a quantity of 60 Townhomes is most likely the maximum quantity allowed for Parcel A. It is not clearly explained how 60 Townhomes per the City Housing Element can morph into 149 Townhomes. Is this magic or an illusion?

4A-19
cont'd

4A-20

4A-21

4A-22

4A-23

4A-24

to mitigate for biological impacts resulting from development proposed on Parcel A to the south.

As indicated in Section 2.1, Project Overview and Location, of the EIR, the project would utilize State Density Bonus Law which allows projects to utilize up to three concessions and unlimited waivers. The project request one incentive to eliminate the City’s requirement to underground existing overhead utilities pursuant to Encinitas Municipal Code Section 23.36.120. All existing San Diego Gas & Electric utility poles that currently surround the project site are 12 kilovolt and would typically be required to be undergrounded. The undergrounding of those utilities would involve substantial improvement costs, and the cost savings associated with this incentive request would enable the project to instead provide for deed-restricted affordable housing on-site. The waiver requested for the project is necessary because the project exceeds the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project requires an approximately 40% encroachment into steep slope areas, and without this waiver, the project footprint would be substantially reduced, impacting the project’s ability to provide for deed-restricted affordable housing on-site.

4A-24

Comment Summary:

The commenter states that the City Housing Element Inclusionary Economic Analysis indicates the “allowable density of Townhomes is R-15,” and therefore, a maximum of 60 townhomes would be allowed for development on Parcel A.

Response:

Refer to Master Response 4.

Preface and Responses to Comments



PIRAEUS POINT TOWNHOMES

IN CONCLUSION, please be advised that this project is not welcomed by the surrounding community. It is ill-conceived, and if constructed, will be a permanent and an irreparable detriment to the existing community.

Piraeus Point Townhomes development will have a significant environmental impact within the Visual Scenic Corridor resulting from the destruction of this existing valuable wildlife habitat inland bluff. This project could never be perceived as a community benefit.

The ECC, as a Community Stakeholder, requests that they be kept informed in every stage of this pending development.

Further, the Piraeus Point Project does not comply with the SANDAG proposed General Plan to be implemented in 2025. The General Plan Policies are as follows:

- Efficient, Movement of people and goods
- Equitable, Access to housing and mobility options for everyone
- Healthy, Air and reduced greenhouse gases (GHG) emission
- Safe, Transportation system for all users.

None of these policies will occur with the construction of Piraeus Point Townhomes, therefore this project is in conflict with SANDAG and should be denied.

The ECC respectfully requests that Mr. Brian Grover and Mr. David Shepherd of Lennar Inc. exercise a thorough due diligence process including the evaluation of the multitude of critical issues that the ECC Draft Scoping EIR Review clearly identifies and describes. Each of these significant issues have to be addressed and resolved by Lennar Homes and the City to the satisfaction of the ECC. The ECC firmly believes that with careful and respectful evaluation, Lennar Homes will conclude that Piraeus Point Townhomes housing development project is neither an economical financial risk nor is it environmentally justifiable, that a major U.S. public corporation would be proud of. Further, when weighing each of the described CEQA categories, their sub-sets, the quantifiable data, Lennar Homes will be guided to choose not to exercise their “option to purchase” the Cannon Property and thereby avoiding to construct this “negative quality of life” constrained property

The ECC thanks you in advance for your review and careful consideration of these community concerns.

Sincerely,

Encinitas Community Collective

4A-25

4A-25

Comment Summary:

The commenter asserts that the project is not supported by the surrounding community and that it would be a “permanent and an irreparable detriment to the existing community.”

Response:

The comments are conclusory and do not raise a specific issue of concern relevant to CEQA. No further response is required.

4A-26

4A-26

Comment Summary:

The commenter restates that the project will have a significant adverse effect on visual resources as the result of impact on the existing wildlife habitat inland bluff.

Response:

Refer to Master Response 4. The project was determined to have a less than significant impact on visual resources based on the analysis provided in the EIR. The project proposes to preserve the northern 4.95 acres of the property in its existing condition for biological purposes, thereby protecting sensitive species while preserving existing views to such inland bluffs in perpetuity.

4A-29

4A-27

Comment Summary:

The commenter requests to be kept informed of the proposed project moving forward.

Response:

To date, the City has exceeded public noticing requirements pursuant to CEQA for the proposed project. Public notice of the pending Planning Commission meeting at which the City Commissioners will consider approval of the proposed project will also occur in conformance with applicable public noticing requirements.



PIRAEUS POINT TOWNHOMES

IN CONCLUSION, please be advised that this project is not welcomed by the surrounding community. It is ill-conceived, and if constructed, will be a permanent and an irreparable detriment to the existing community.

Piraeus Point Townhomes development will have a significant environmental impact within the Visual Scenic Corridor resulting from the destruction of this existing valuable wildlife habitat inland bluff. This project could never be perceived as a community benefit.

The ECC, as a Community Stakeholder, requests that they be kept informed in every stage of this pending development.

Further, the Piraeus Point Project does not comply with the SANDAG proposed General Plan to be implemented in 2025. The General Plan Policies are as follows:

- Efficient, Movement of people and goods
- Equitable, Access to housing and mobility options for everyone
- Healthy, Air and reduced greenhouse gases (GHG) emission
- Safe, Transportation system for all users.

None of these policies will occur with the construction of Piraeus Point Townhomes, therefore this project is in conflict with SANDAG and should be denied.

The ECC respectfully requests that Mr. Brian Grover and Mr. David Shepherd of Lennar Inc. exercise a thorough due diligence process including the evaluation of the multitude of critical issues that the ECC Draft Scoping EIR Review clearly identifies and describes. Each of these significant issues have to be addressed and resolved by Lennar Homes and the City to the satisfaction of the ECC. The ECC firmly believes that with careful and respectful evaluation, Lennar Homes will conclude that Piraeus Point Townhomes housing development project is neither an economical financial risk nor is it environmentally justifiable, that a major U.S. public corporation would be proud of. Further, when weighing each of the described CEQA categories, their sub-sets, the quantifiable data, Lennar Homes will be guided to choose not to exercise their “option to purchase” the Cannon Property and thereby avoiding to construct this “negative quality of life” constrained property

The ECC thanks you in advance for your review and careful consideration of these community concerns.

Sincerely,

Encinitas Community Collective

4A-25

4A-26

4A-27

4A-28

4A-29

4A-28

Comment Summary:

The commenter asserts that the project does not comply with the “SANDAG proposed General Plan to be implemented in 2025” and should be denied.

Response:

It is unclear what plan the commenter is referring to. The commenter does not provide specifics as to how the project in not be in compliance with the City’s General Plan.

The project would comply with the policies identified in that it would 1) construct 15 new very low income affordable housing units, thereby providing equitable access to housing; 2) avoid significant air quality and GHG impacts, with exception of resident exposure to DPMs, which is an effect of the existing environment on the project, not the project impacting the physical environment; and 3) provide new sidewalks along the project frontage and limited access to area bike lanes, with opportunities to connect to other means of alternative transit within the larger surrounding area.

4A-29

Comment Summary:

The commenter requests that the applicant team “exercise a due diligence process” including evaluation of the issues raised by the ECC in the subject letter and asserts that each issue raised needs to be “addressed and resolved”...“to the satisfaction of the ECC.” The commenter raises an issue of whether the project is of “economic financial risk” and not environmentally justifiable, and asserts that the applicant will choose not to purchase the property.

Response:

These comments do not raise issues of EIR adequacy or environmental concerns relative to CEQA. Economic or financial risk are not topics relevant to CEQA, neither are real estate transactions. Refer to the responses provided herein to this letter for greater detail on the issues raised.

PIRAEUS POINT TOWNHOMES

City of Encinitas Case No. MULTI-005158-2022;
CDP-005161-2022; DR-005160-2022[SUB-005159-2022
and SUB-005391-2022

AN ENVIRONMENTAL REVIEW of a DRAFT CALIFORNIA ENVIRONMENTAL QUALITY ACT, ENVIRONMENTAL IMPACT REPORT SUBMITTED BY LENNAR HOMES

Prepared by

Encinitas Community Collective
P. O. Box 235801
Encinitas, CA 92023

Submitted to

Nickolas Koutoufidis, Senior Planner,
City of Encinitas, Development Services Department

February 6th, 2023

TABLE of CONTENTS

1.0	Introduction	3
2.0	Project Description, Location and Environmental Setting	5
2.1	Project Overview	
3.0	Environmental Setting	6
3.1	Aesthetics	8
3.2	Air Quality	9-17
3.3	Biological Resources	17
3.4	Geology and Soils	19
3.5	Hazards and Hazardous Materials	22
3.6	Noise	23
3.7	Public Services and Facilities	27
3.8	Transportation and Circulation	30
3.9	Utilities and Service Systems (Wastewater/Water/Stormwater)	32
4.0	Parking	36
5.0	Lighting	37
6.0	Trees and Plantings	37
7.0	Application Project Review	37
8.0	Conclusion	39

Preface and Responses to Comments

1.0 INTRODUCTION

1.1 The California Environmental Quality Act (CEQA) (aka Pub. Res. Code section 21000, et seq.) requires the City to identify significant environmental impacts of all projects that it approves, and to require the applicant to avoid or mitigate those impacts, if feasible. From an environmental impact standpoint, the ECC cannot overstate the importance of thoroughly analyzing the project based on an accurate description of the applicant's intended use of the project, especially where environmental impacts may be disguised or minimized by the applicant.

1.2 The proposed project does not comply with the City's Planned Residential Development regulations, which provide, in relevant portion: "Planned residential developments shall relate harmoniously to the topography of the site, shall make suitable provision for the preservation of steep slopes, water courses, drainage areas, wooded areas, rock outcroppings, and similar natural features, and shall otherwise be designed to retain such natural features to the greatest extent possible." Further, "[l]ots and structures shall be designed to follow and not significantly alter the natural contour of the land." (EMC § 30.16.020(B)3.)

- 1.3 During its Initial Draft Study (SCOPING), the City should be able to determine that the project will have a significant effect on the environment, requiring a thoroughly detailed Environmental Impact Report (EIR) in compliance with CEQA complete with exhibits, maps, guidelines from each of the governing agencies at ALL levels including but not limited to U.S. EPA; U.S. Department of Education; U.S. Department of Transportation; U.S. Department of Health, Center for Disease Control; U.S. Department of Housing and Urban Development. Further the equivalent State, County and City Departments are hereby referenced, as if fully set forth. Further, in an aid to understand the overall impact of such a development the City shall listen to the citizens of the community where the proposed project is to be constructed. It is to be noted that a CPP meeting was held by the developer Lennar Homes on June 13, 2022 at the La Costa Resort Hotel, Carlsbad. As of this date Lennar refuses to issue the consensus of the CPP. Shameful. Furthermore, the City of Encinitas is complicit in ignoring the will of its citizens.
- For the record, more than 70 community residents attended the CPP. Not one attendee supported the developers subdivision project. More than 25 attendees spoke about the project which they all were familiar with the design, location, architectural layout small cramped stacked vertical floors, shared walls townhomes with no ground floor yards all enjoined with 24 foot wide common use "drive-aisles." The townhomes as noted have no ground floor "traditional" yards but a cramped roof is used for the location of the unit(s) heat pump (heating & cooling) AC unit, solar panels, exhaust fans, plumbing sewer vents, roof drains and a small picnic table. Additionally, possibly propane gas, or charcoal BBQ grills/cookers, since there is no natural gas installed, per Title 24, California Plumbing Code. Access to the :Roof Yard" is via a narrow stairwell a total of 8 flights of stairs from the ground floor. A marvelous view of Highway I-5 with all its noise and air pollutants, etc. This is not rural living, this is high rise absurdity, "Townhome Living" next to a noisy interstate freeway.

1.3.1 This EIR Review was previously submitted as an Environmental Analysis February 20, 2022 to Brian Grover, Nolan Communities, also to David Shepherd, and Jeff Roos, Lennar, Anna Colamussi and Nick Koutoufidis City of Encinitas. The Environmental Analysis was based on known issues that are subject to and required by, a conforming CEQA compliant project. There was

4B-1

4B Encinitas Community Collective

4B-1

Comment Summary:

The commenter asserts that the project does not comply with the City's Planned Residential Development regulations relative to grading of steep slopes and retaining natural onsite features to the extent feasible.

The commenter further asserts that the EIR should be completed in compliance with CEQA and should consider community input. The commenter states that a public meeting was held in conformance with the City's community participation program requirements, and that results from the meeting were not subsequently shared by the applicant. The commenter further indicates that they submitted "EIR Review" comments in February 2022 and that no response was received. The commenter subsequently submitted review comments in response to the 60-day public review period commencing in December 2022, and indicates that the EIR does not address issues previously raised by the ECC.

The commenter concludes that the project as proposed would result in significant and unavoidable impacts relative to biological resources, noise, aesthetics/inland bluffs, air quality/odors, and on surrounding adjacent lands and preserve areas. The commenter asserts that more "extensive mitigation to the satisfaction of the governing agencies," wildlife agencies, other organizations, and the local community is required.

Response:

Refer to Master Response 4 and EIR Section 3.1, Aesthetics. No significant impacts to scenic resources were identified.

Information relative to the City's community participation program and applicant conformance to such requirements is provided in Appendix A of the EIR which was circulated to the public as part of the 60-day public review period for the Draft EIR. Such information was therefore disclosed and made available to the public. Public input received throughout the EIR process has been considered by the City and the applicant in preparing the EIR. Additionally, the City has conformed with all applicable public scoping requirements under CEQA.

no response from any of the named recipients. Not encouraging but also not unexpected. Subsequently since February 20, 2022 Lennar Homes have developed a CEQA driven DRAFT SCOPING EIR that was made publicly available for review comments June 20, 2022. This 2nd EIR DRAFT dated December 9th, 2022 – has been reviewed by the ECC, and hereby submitted on February 6th, 2023. as requested by the City of Encinitas.

Therefore, the ECC have revised the following: 1. Environmental Analysis (EA) and 2. Draft SCOPING EIR review comments entitled “An Environmental Review of a Draft Scoping California Environment Quality Act, Environmental Impact Report. The EA CEQA issues have remained in the body of the EA, however the 12-09-2023 ECC DRAFT EIR review comments are identified in italics, to aid the reader. Many of the EA and the DRAFT SCOPING EIR issues remain as is whereby the issues raised have not been addressed or simply ignored by Lennar and its consultants. It is the opinion of the ECC where the 12-09-2023 Lennar Draft EIR does not adequately address the CEQA issues the ECC provides such comments and thereby remain as such to be addressed by Lennar, et al., per their future, i.e., revised – (Preliminary?) - EIR to be issued Spring 2023?

The ECC observed and is aware of the CEQA environmental issues and conducted an environmental analysis of the proposed housing/subdivision development property, Parcel A, (APN: 254-144-01), to evaluate the stated impacts as described in this DRAFT EIR Review. It is clear that the project would impose significant and unavoidable negative environmental impacts upon the sensitive flora and fauna of the undeveloped vacant natural inland bluff site, the endangered species, aesthetics, geological, biological resources, Interstate Highway 5 traffic noise, on-site traffic generated noise, nuisance cooking odors permeating the community, as well as the subdivision surrounding environment including the contiguous and adjacent La Costa Preservation Parcel(s) with Multi Habitat Conservation Program (HCP) pristine habitats and the nearby Batiqitos Lagoon-No Take). These negative legacy impacts and more will require extensive mitigation to the satisfaction of the governing agencies, U.S. Fish & Wildlife Services, CA dept., Fish & Wildlife services, SANDAG, Environmental Mitigation Working Group for San Diego North County, City of Encinitas Open Space Conservatory and the Leucadia community at large.

2.0 PROJECT DESCRIPTION, LOCATION AND ENVIRONMENTAL SETTING

2.1 Project Overview and Location

2.1.1 It is proposed that 149 Unit Multi-Family Residential Townhomes aka *Piraeus Point Townhomes* will be constructed on Parcel A, APN: 254-144-01-00, Zoned RR-2.0, vacant land. The applicant’s proposed project, with its substantial grading *approximately 60,000 cubic yards (CY)* and the addition of 16 massive, 40 feet high bulky structures, would significantly degrade the existing scenic character and quality of the natural undisturbed inland bluffs and its surroundings. The ECC wants to be perfectly clear that this proposed 149 Unit *Piraeus Point Townhomes* Housing Element project is totally inappropriate for this specific location for the following reasons and concerns:

2.1.2 An analysis of the *Piraeus Point Townhomes* developed area per City Housing Element Appendix-C = 6.93 acres. Living space area = 171,000 sq. ft./43,560 sq. ft = 3.93 acres. Total

4B-1
cont'd

4B-2

4B-3

Pursuant to CEQA requirements, the City has considered all comments received during the 30-day comment period in response to the Notice of Preparation of an EIR (commencing May 27, 2022) and the 60-day comment period in response to release of the Draft EIR (commencing December 9, 2022). Additionally, the project applicant has conformed to the City’s requirements for public participation. All comments received were considered in preparing the EIR; however, it should be noted that a lead agency is not required to provide written response to comments received in response to the NOP. Comments received in response to public review of the Draft EIR are included and addressed herein as part of the Final EIR.

The City acknowledges the issues identified by the commenter and the assertion that the project would result in significant and unavoidable effects. Refer to the discussions below which respond more specifically to the issues of concern identified. Coordination between the City and applicant and various affected agencies remains ongoing and will continue in obtaining the required permits for project implementation.

4B-2

Comment Summary:

The commenter provides a brief summary of the proposed project components and asserts that the project as proposed would “significantly degrade the scenic character and quality of the...inland bluffs.” The commenter also asserts that the project is inappropriate for the location proposed and provides subsequent reasons as to why.

Response:

Refer to Master Response 4. This comment is introductory; refer to subsequent comments provided below.

4B-3

Comment Summary:

The commenter provides a series of calculations as to the “Piraeus Point Townhomes developed area” per City Housing Element Appendix C.

Preface and Responses to Comments

buildings sq. ft. = 203,663/43,560 sq. ft. = 4.675 acres. Landscaping (includes internal roads and drive aisles = 87,898 sq. ft./43,560 sq. ft. = 2.017 acres = Total developed acreage = 4.675 + 2.017 = 6.692 acres. Unaccounted acreage = 6.93 - 6.692 = 0.238 acres or 10,357 sq. ft.

2.1.3 Height issues. ECC is requesting a 35-foot +/- maximum height limit for these units, inclusive of roof top equipment, plumbing sewer pipe vents (to be located 10 feet or more from outside air intakes), sound barrier clear safety glass(?) 5-foot "fence", solar panel(s), quantities unknown - but total wattage capacity will be insignificant - Heat Pump/air-conditioning unit(s), tables, chairs, BBQ equipment, etc. It is to be noted that the roof yard shall be considered a story/level since it is a recreational living space and thereby shall be considered an occupiable level for the residents.

2.1.4 The City mandate of installing solar voltaic panels (SVP) system(s) and/or a DC microgrid system(s) for each townhome recreational flat roof deck may not be cost effective.

In consideration that each roof deck square footage is contingent upon the number of bedrooms. Thereby a single bedroom Townhome has only net 40 sq.ft available for solar panels, a 2 bedroom has approximately net 80 sq.ft and a 3 bedroom has net 120 sq.ft. Noting that solar panels are 20% +/- efficient they need to be installed at an array tilt of 20° facing 180° either west or east avoiding shading from, e.g., roof access stair well walls, neighbors 5-foot perimeter fences, potted plants, furniture, sun umbrellas, not counting dust, dirt, etc. Further, with multiple sanitary plumbing roof vents, bathroom exhaust vents, kitchen exhaust vents, roof deck drains, heat pump and electrical equipment code clearances, will also limit actual solar panel locations. These standard Building Code clearances are inherent restraints to (any) the solar panel power systems efficiency towards reducing the owner(s) SDG&E power bills. The ROI payback time may well exceed the useful life-cycle (economics) of the solar power system(s) components, e.g., DC to AC inverter(s) thereby negating any true electrical power savings. The City of Encinitas per the approved CAP requires residential solar voltaic panels produce 1 watt of power per sq.ft of residential area annually. The actual residential sq ft for the 149 Townhomes equals 171,300 sq. ft. Therefor the CAP is limited to 171 kWH total generation The DRAFT EIR indicates an overall PV generation of 245,206 kWH/yr. more than the CAP mandate. The calculations need to be verified.

Population: The population total of the residents of the 149 Unit **Piraeus Point Townhomes** for the purpose of this DRAFT EIR review is based upon the following: Total of 306 bedrooms + 149 persons for 2-person bedroom occupancy = 455 persons, estimated.

3.0 ENVIRONMENTAL SETTING

Natural Grade

a. The existing natural grade elevations of the Cannon Property APN: 254-144-01, Parcel A are variable as determined by the existing topographical contours depicted in the Applicants package to the City. Of extreme concern to the ECC is the potential for an arbitrary grade location in the vicinity of the east property line that will impact the residences contiguous to the former Cannon Property (Parcel A) aka Piraeus Investments LLC, east property line/boundary.

b. The ECC's concern is the shear volume of the extensive grading that will be required where it is estimated within the DRAFT EIR approximately 60,000 CY will be exported. The proposed east property setback reinforced concrete retaining wall height shall not be more than 4 feet above the

4B-3
cont'd

4B-4

4B-5

4B-6

4B-7

Response:

This comment is for informational purposes and does not raise an environmental issue of concern nor question the adequacy of the EIR relative to CEQA requirements. Refer to subsequent comments below for additional discussion.

4B-4

Comment Summary:

The commenter asserts that the ECC is requesting a 35-foot maximum height limit (inclusive of mechanical equipment, sound walls, solar panels, and other such elements that may be present on the rooftops. The commenter also asserts that the rooftop decks should be considered an additional building story as it would serve as occupiable, recreational living space.

Response:

Maximum building height proposed is 35 feet, consistent with requirements of the R-30 overlay zone. Per Municipal Code Section 30.16.101B.a.iii, a maximum of 5 feet is allowed beyond the 35-foot height limit for "allowed projections" such as mechanical equipment and other screening. As such, the proposed on-site structures (including projections) would not exceed 40 feet in height. Although they would provide added outdoor space that could be occupied by residents, the rooftops are exterior features and not considered to be an additional story of the residential units, consistent with City regulations.

4B-5

Comment Summary:

The commenter asserts that "the mandate of installing solar voltaic panels (SVP) system(s) and/or a DC microgrid system(s) for each townhome recreational flat roof deck may not be cost effective" and that the EIR indicates an overall PV solar generation of more than the City's Climate Action Plan mandate for solar power produced.

Response:

The comments provided do not raise an issue of EIR adequacy or environmental concern relative to CEQA. Issues relative to economics of a

buildings sq. ft. = 203,663/43,560 sq. ft. = 4.675 acres. Landscaping (includes internal roads and drive aisles = 87,898 sq. ft./43,560 sq. ft. = 2.017 acres = Total developed acreage = 4.675 + 2.017 = 6.692 acres. Unaccounted acreage = 6.93 - 6.692 = 0.238 acres or 10,357 sq. ft.

2.1.3 Height issues. ECC is requesting a 35-foot +/- maximum height limit for these units, inclusive of roof top equipment, plumbing sewer pipe vents (to be located 10 feet or more from outside air intakes), sound barrier clear safety glass(?) 5-foot "fence", solar panel(s), quantities unknown - but total wattage capacity will be insignificant - Heat Pump/air-conditioning unit(s), tables, chairs, BBQ equipment, etc. It is to be noted that the roof yard shall be considered a story/level since it is a recreational living space and thereby shall be considered an occupiable level for the residents.

2.1.4 The City mandate of installing solar voltaic panels (SVP) system(s) and/or a DC microgrid system(s) for each townhome recreational flat roof deck may not be cost effective.

In consideration that each roof deck square footage is contingent upon the number of bedrooms. Thereby a single bedroom Townhome has only net 40 sq.ft available for solar panels, a 2 bedroom has approximately net 80 sq.ft and a 3 bedroom has net 120 sq.ft. Noting that solar panels are 20% +/- efficient they need to be installed at an array tilt of 20° facing 180° either west or east avoiding shading from, e.g., roof access stair well walls, neighbors 5-foot perimeter fences, potted plants, furniture, sun umbrellas, not counting dust, dirt, etc. Further, with multiple sanitary plumbing roof vents, bathroom exhaust vents, kitchen exhaust vents, roof deck drains, heat pump and electrical equipment code clearances, will also limit actual solar panel locations. These standard Building Code clearances are inherent restraints to (any) the solar panel power systems efficiency towards reducing the owner(s) SDG&E power bills. The ROI payback time may well exceed the useful life-cycle (economics) of the solar power system(s) components, e.g., DC to AC inverter(s) thereby negating any true electrical power savings. The City of Encinitas per the approved CAP requires residential solar voltaic panels produce 1 watt of power per sq.ft of residential area annually. The actual residential sq ft for the 149 Townhomes equals 171,300 sq. ft. Therefore the CAP is limited to 171 kWh total generation The DRAFT EIR indicates an overall PV generation of 245,206 kWh/yr. more than the CAP mandate. The calculations need to be verified.

Population: The population total of the residents of the 149 Unit **Piraeus Point Townhomes** for the purpose of this DRAFT EIR review is based upon the following: Total of 306 bedrooms + 149 persons for 2-person bedroom occupancy = 455 persons, estimated.

3.0 ENVIRONMENTAL SETTING

Natural Grade

a. The existing natural grade elevations of the Cannon Property APN: 254-144-01, Parcel A are variable as determined by the existing topographical contours depicted in the Applicants package to the City. Of extreme concern to the ECC is the potential for an arbitrary grade location in the vicinity of the east property line that will impact the residences contiguous to the former Cannon Property (Parcel A) aka Piraeus Investments LLC, east property line/boundary.

b. The ECC's concern is the shear volume of the extensive grading that will be required where it is estimated within the DRAFT EIR approximately 60,000 CY will be exported. The proposed east property setback reinforced concrete retaining wall height shall not be more than 4 feet above the

4B-3
cont'd

4B-4

4B-5

4B-6

4B-7

project do not require evaluation pursuant to CEQA regulations. Similarly, project exceedance of the City's CAP requirements would not cause any adverse environmental effects. No further response is required.

4B-6

Comment Summary:

The commenter provides calculations for the potential population generated by the proposed project as proposed, estimating the project to generate 455 persons.

Response:

As indicated in EIR Section 4.3, Population and Housing, the estimated population generated by the proposed project would be 374 persons (149 units x 2.51 persons per unit), based on persons per household information provided in the City's HEU 5th Cycle (2019). The commenter does not provide substantial evidence as to why a greater population would be generated, nor provide a source for where the multiplier used came from. No further response to this comment is required.

4B-7

Comment Summary:

The commenter asserts that potential grading in the vicinity of the eastern property line would impact adjacent residences and expresses concern over the extent of grading proposed. The commenter asserts that the reinforced concrete retaining wall height shall not be more than 4 feet above the existing natural grade at the easterly property line. The commenter also asserts that potential effects of numerous construction-related vehicles on Piraeus Road and La Costa Avenue, as well as on local circulation patterns, would be "unacceptable."

Response:

Refer to Master Response 4 pertaining to grading effects and Master Response 1 regarding potential effects of project trip generation. All grading and construction would occur in conformance with the California Building Code and other local engineering design regulations, as well as recommendations of the Geotechnical Investigation prepared for the project (Geocon 2022), to ensure that geological and public safety

Preface and Responses to Comments

existing east property line natural grade. Note that 60,000 CY will require 6, 000 10 CY dump trucks. More than 11,000 CY of "clean engineered fill" will be imported to provide the required compacted base for the - 6.83 acres - 16, 4-story high structures concrete pads, The total amount of CY exported/imported will require 7,100 10 CY dump trucks passing through Piraeus and La Costa Avenue intersection. This quantity of trucks over a 5 month grading schedule equates to a single 10 CY dump truck entering and exiting this intersection every 9 minutes.

Notwithstanding the earth moving equipment, the support vehicles, water tankers, ready mix concrete trucks, field crews vehicles. This is a staggering quantity of construction vehicles that will destroy Piraeus Road, interfere with the community daily travel and is a significant impact to the community and its environment and is unacceptable.

c. With the "top of wall" elevation established, the ECC requests that the maximum building height of the **Piraeus Point Townhomes** shall be lower, thereby not exceeding the "Top of wall" elevation, as noted.

Extensive 40 foot +/- high reinforced concrete buttress type retaining walls will be required at the east and north property setbacks that have encroached into the >25% slope areas. The developer Lennar will literally remove all of the existing soil on site and will excavate 30 to 40 feet or more from the existing grade level of 80 feet AMSL at the north east natural grade level. Essentially carving out and removing the site, en mass. Massive buttress type perimeter retaining walls will be constructed for the east and north perimeter project construction boundary and thereby encroach into the natural slopes of Parcel A. Hundreds of horizontal cantilevered "soil nails" will be embedded into the existing east and north exposed soil face to anchor the vertical retaining walls. Of additional concern to the ECC community is the more than 11,000 cubic yards of clean engineered imported fill to provide the required compacted base for the - 6.83 acres - 16, 4-story high structures concrete pads, the roof yard shall be considered a story since it is a recreational living space and thereby shall be considered an occupiable level for the residents.

Further, knowing that natural seepage pathways are present (water table not found) flowing east to west within the site soils strata at various depths that may be considered as an unconfined aquifer(s) with different layers/strata of geological formations with different hydraulic conductivities.

The overall gross transmissivity of the unconfined aquifer(s) creates a cause of concern when storm events such as a 10-year, 25-year and quite recently back-to-back 100-years storms events occur. Again, drainage of the site is of utmost concern to the community to prevent another 2001 catastrophic subsidence event. Installing a water table drainage system is critical to the safety and welfare of the residential community to the east of the proposed subdivision. An insurance liability coverage policy shall be maintained in perpetuity to the satisfaction of the community, by the Piraeus Point Townhome Homeowners Association and or Lennar a publicly traded multi \$billion Florida corporation.

Additionally, Geocon Inc., a Lennar consultant reports that Lennar is proposing of using cantilevered-micropiles and/or horizontal bored "soil nail walls" at the east property line including >40 feet high buttress retaining wall and also same at the north property line. These proposed methods of maximizing and stabilizing the perimeter excavations setbacks is interesting but has limitations due to the inherent instability of the existing geological layers/stratas with several possible unconfined aquifers at varying depths. Geocon reports that several borings conducted "perched" the subareas of

4B-7
cont'd

4B-8

are maintained, including minimizing any potential effects on adjacent properties. It should be noted that the structures proposed would be three stories in height, not four, in accordance with height restrictions of the coastal zone.

4B-8

Comment Summary:

The commenter requests that the maximum proposed building height be below the top of wall elevation and identifies concerns pertaining to: encroachment into natural steep slopes; the potential for presence of an unconfined subsurface aquifer and related effects of storm events and onsite drainage observed; and construction of proposed soil nail walls with concern for subsurface water and effects on onsite and adjacent properties. The commenter asserts that an insurance liability coverage policy should be maintained in perpetuity to the satisfaction of the community. The commenter also identifies a geologic publication on local earthquake faults for reference.

Response:

Refer to Master Response 4 pertaining to grading. All grading proposed and construction would occur in conformance with the California Building Code and other local engineering design regulations, as well as recommendations of the Geotechnical Investigation prepared for the project (Geocon 2022), to ensure that geological and public safety are maintained, including minimizing any potential effects on adjacent properties. Recommendations made in the geotechnical report would ensure that proper engineering techniques are utilized, including in the event that groundwater is encountered, to address any site-specific conditions identified during subsurface work, grading, and construction; however, it is not anticipated that an unconfined aquifer is present beneath the project site. The issue of maintaining an insurance liability coverage policy is not an environmental issue of concern relative to CEQA.

The City acknowledges the reference to the geologic publication on local faults. This comment is informational only; no further response is required.

moist geological layers, suggesting pathways of irrigation water or possible leaking underground water distribution piping, exist.

Cantilevered-micropiles require penetration into bedrock for stability, so states the manufacturers of these systems. The Geocon Report does not discuss bedrock, nor were the conducted borings advanced to encounter bedrock. In fact groundwater depth is also not known, however Piraeus Street at Plato Place is 80 ft +/- AMSL or Batiqitos Lagoon, located 400 yards +/- to the north.

With the presence of the high voltage 12.6 kV distribution overhead power lines under tension supported by 45ft. +/- wooden poles with an "Underbuild" sub-transmission lines and multiple stepdown transformers provide utility power to the community. If a "soil nail wall" is constructed perpendicular to the Cannon Property east property line the multiple vertical and horizontal centerline distances of the 12 inch diameter horizontal west to east borings will potentially undermine the existing SDG&E power poles. With hundreds of horizontal borings each one represents a pathway for subsurface water to travel and thereby potentially destabilizing the Cannon Property soils and the contiguous properties east of the Cannon Property.

It is strongly recommended therefore, that Lennar shall underground all electrical utilities and communication cables currently supported by the SDG&E power poles, to avoid undermining/destabilizing the existing power poles and contiguous properties to east.

Geocon stated that limited literature was available towards information on Earthquakes and Faults in San Diego County. The ECC reminds Geocon of a publication authored by Professor Phillip Kern, PhD, Geology SDSU, entitled *Earthquakes and Faults in San Diego County, ed., 1989.*

3.1 AESTHETICS

3.1.1 Existing Conditions. The land is currently vacant. Two (2) acres were permitted to be used as an agricultural operation in accord with the EMC Title 30, 30.33 Urban Agriculture whereby the property was cultivated for agricultural purposes for approximately the years 1998 to 2010. See aerial photographs Appendices A. The property is subject to EMC Title 30, 30.32 Ecological Resource Zone; EMC Title 30, 30.34.030 Hillside/Inland Bluff Overlay Zone; EMC Title 30, 34.40 Floodplain Overlay Zone. Specifically the north property line overlies a natural floodplain ravine receiving water course surface waters from the contiguous and adjacent properties to the east property line.

- Historically unstable geology, with the known visible State of California registered "La Costa Fault" located 150 yards east of the Piraeus Street/La Costa Avenue juncture. The La Costa Fault is listed and depicted in the State Geologic files. As noted, the La Costa Fault is visible from La Costa Avenue inland north bluff face, south of Batiqitos Lagoon and traverses in a south westerly direction towards Piraeus Street. See page 7 and Appendices A.

3.1.2 Analysis of Project Effects and Determination as to significance. The Bulk and Mass of the proposed condominiums will be out of character with the community in violation of the EMC Title 30, 30.34.030 Hillside/Inland Bluff Overlay Zone. It is proposed that 149 Unit *Piraeus Point Townhomes* will be constructed on Zoned RR-2 vacant land. The gross calculated area is 6.692 acres (as submitted by the Applicant to the City, Form S, February 3, 2022) subject to EMC Title 30, 30.34.030 Hillside/Inland Bluff Overlay Zone, specifically grading of steep slopes. The net buildable area on APN: 254-144-01-00 is 6.692 acres +/-.

4B-8
cont'd

4B-9

4B-10

4B-9

Comment Summary:

The commenter asserts that two acres onsite were formerly permitted to be used as an agricultural operation pursuant to the Encinitas Municipal Code (EMC) and that the land was previously cultivated for agricultural purposes. The commenter asserts that the project site is subject to Municipal Code Title 30, 30.32 Ecological Resource Zone; EMC Title 30, 30.34.030 Hillside/Inland Bluff Overlay Zone; and EMC Title 30, 34.40 Floodplain Overlay Zone, and that the "north property line" overlies a natural floodplain ravine receiving surface waters from adjacent properties to the east. The commenter also notes proximity of the site to the La Costa Avenue Fault and historic geologic instability in the area.

Response:

As identified in EIR Section 4.1, Agriculture and Forestry Resources, the subject site does not support any designated California Department of Conservation Farmland, nor would it result in the conversion of any such lands to non-agricultural use. The site has not been used for agricultural purposes in recent years, nor is the site zoned for agricultural use. No effects on or loss of agricultural resources would result with the project.

Additionally, as shown in EIR Section 3.3, Biological Resources, there are no jurisdictional wetlands and/or waterways in the project area that would be affected by direct removal, filling, or hydrological interruption, nor would the project alter the course of a stream or river, as no such features are present on-site. No Special Flood Hazard Areas are located within the immediate project vicinity, and the project site lies outside of the FEMA-mapped 100year floodplain. The commenter does not specify what the concern is relative to the "natural floodplain ravine." No further response is required.

Refer to Response 4A-8 pertaining to the La Costa Avenue Fault.

4B-10

Comment Summary:

The commenter asserts that the bulk and mass of the project would conflict with the surrounding character and that it would violate the

Preface and Responses to Comments

moist geological layers, suggesting pathways of irrigation water or possible leaking underground water distribution piping, exist.

Cantilevered-micropiles require penetration into bedrock for stability, so states the manufacturers of these systems. The Geocon Report does not discuss bedrock, nor were the conducted borings advanced to encounter bedrock. In fact groundwater depth is also not known, however Piraeus Street at Plato Place is 80 ft +/- AMSL or Batiqitos Lagoon, located 400 yards +/- to the north.

With the presence of the high voltage 12.6 kV distribution overhead power lines under tension supported by 45ft. +/- wooden poles with an "Underbuild" sub-transmission lines and multiple stepdown transformers provide utility power to the community. If a "soil nail wall" is constructed perpendicular to the Cannon Property east property line the multiple vertical and horizontal centerline distances of the 12 inch diameter horizontal west to east borings will potentially undermine the existing SDG&E power poles. With hundreds of horizontal borings each one represents a pathway for subsurface water to travel and thereby potentially destabilizing the Cannon Property soils and the contiguous properties east of the Cannon Property.

It is strongly recommended therefore, that Lennar shall underground all electrical utilities and communication cables currently supported by the SDG&E power poles, to avoid undermining/destablizing the existing power poles and contiguous properties to east.

Geocon stated that limited literature was available towards information on Earthquakes and Faults in San Diego County. The ECC reminds Geocon of a publication authored by Professor Phillip Kern, PhD, Geology SDSU, entitled **Earthquakes and Faults in San Diego County, ed., 1989.**

3.1 AESTHETICS

3.1.1 Existing Conditions. The land is currently vacant. Two (2) acres were permitted to be used as an agricultural operation in accord with the EMC Title 30, 30.33 Urban Agriculture whereby the property was cultivated for agricultural purposes for approximately the years 1998 to 2010. See aerial photographs Appendices A. The property is subject to EMC Title 30, 30.32 Ecological Resource Zone; EMC Title 30, 30.34.030 Hillside/Inland Bluff Overlay Zone; EMC Title 30, 34.40 Floodplain Overlay Zone. Specifically the north property line overlies a natural floodplain ravine receiving water course surface waters from the contiguous and adjacent properties to the east property line.

- Historically unstable geology, with the known visible State of California registered "La Costa Fault" located 150 yards east of the Piraeus Street/La Costa Avenue juncture. The La Costa Fault is listed and depicted in the State Geologic files. As noted, the La Costa Fault is visible from La Costa Avenue inland north bluff face, south of Batiqitos Lagoon and traverses in a south westerly direction towards Piraeus Street. See page 7 and Appendices A.

3.1.2 Analysis of Project Effects and Determination as to significance. The Bulk and Mass of the proposed condominiums will be out of character with the community in violation of the EMC Title 30, 30.34.030 Hillside/Inland Bluff Overlay Zone. It is proposed that 149 Unit **Piraeus Point Townhomes** will be constructed on Zoned RR-2 vacant land. The gross calculated area is 6.692 acres (as submitted by the Applicant to the City, Form S, February 3, 2022) subject to EMC Title 30, 30.34.030 Hillside/Inland Bluff Overlay Zone, specifically grading of steep slopes. The net buildable area on APN: 254-144-01-00 is 6.692 acres +/-.

4B-8
cont'd

4B-9

4B-10

City's Municipal Code relative to the Hillside/Inland Bluff Overlay Zone specific to the grading of steep slopes. The commenter states that the gross calculated area and net buildable area is 6.692 acres.

Response:

Refer to Master Response 4. The parcel proposed for development is approximately 6.88 gross acres and 5.36 net acres, as indicated in Section 2.0, Project Description, of the EIR [County of San Diego Assessor parcel number (APN) 254-144-01-00]. The commenter does not identify a specific concern as to the acreage stated for the subject parcel, and no issue of environmental concern is raised; no further response is required.

3.1.3 Cumulative Impact Analysis. The proposed project will have a highly visible and adverse impact on visual scenic vistas/corridors. The site is currently a vacant inland bluff, covered with native species. It is one of the first major landforms on the northern boundary of the City of Encinitas. Its visual character complements the Batiquitos Lagoon and existing State owned mitigated Pristine Habitat Preservation Parcel Bluff-Mesa to the north and adds visual appeal for motorists/tourist on the I-5 freeway and La Costa Avenue. The Applicant’s proposed project, with its excessive grading (60,000 +/- cubic yards) and the addition of 16 massive, 40 foot +/- high bulky structures, would significantly degrade the existing visual scenic character and quality of the inland bluffs and its surroundings. The ECC wants to be perfectly clear that this proposed 149 Unit *Piraeus Point Townhomes* Housing Element project is inappropriate for this specific location for the following reasons below and permission to construct shall be denied.

The ECC strongly recommends as previously proposed and supported by the City of Encinitas in 2017 that the Cannon Property Parcels A and B shall be purchased for the sole purpose as an environmental mitigation property for habitat preservation at the present market rate. A Habitat Management Plan (HMP) shall be developed per SANDAG Mitigation Standards, the Parcels shall be enhanced and held in perpetuity by SANDAG as a habitat preservation parcel continuing the connectivity to the southern shore of Batiquitos Lagoon.

3.2 AIR QUALITY. This section addresses potential air quality impacts that will result from construction and/or operation of the *Piraeus Point Townhomes* project. The following addresses the existing air quality 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 and or construction of the proposed 149 Townhome(s) subdivision.

3.2.1 Existing Conditions. Air quality and dispersion of air pollution in an area is determined by such natural factors as topography, meteorology, prevailing winds (summer and winter) and climate, coupled with atmospheric stability. The factors affecting the dispersion of air pollution, i.e., motor vehicle emissions, with respect to the air basin are discussed below.

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

- **Meteorology and Climate.** Encinitas, is a coastal area, has a Mediterranean Sea type climate characterized by warm, dry summers and mild, wet winters. The mean annual temperature in the City is 60 degrees Fahrenheit (°F). The average annual (wet season) precipitation is 11 inches, from November to April. Winter low temperatures average 54°F, and summer temperatures average 71°F. The average relative humidity is 69 percent and is based on the yearly average humidity at LindberghField.
- The dominant meteorological feature affecting the region is the Pacific High Pressure Zone, which produces the prevailing westerly to northwesterly winds. These winds tend to blow pollutants away from the coast toward the inland areas. Consequently, air quality near the coast is generally better than that at the base of the coastal mountain range. Most of the city consists

4B-11

4B-11

Comment Summary:

The commenter asserts that the project would have an adverse effect on visual scenic vistas/corridors within the surrounding setting. The commenter also asserts that the proposed grading, building height, and density would “significantly degrade the existing visual scenic character and quality” of the bluffs and surroundings. The commenter also states opposition to the project at the proposed location and notes that the City should consider that the site was previously proposed as a mitigation site for habitat preservation.

Response:

Refer to Master Response 4. The site is identified in the City’s HEU and is zoned for residential development to assist the City in meeting state housing mandates. The project proposes the northernmost parcel as a preserve area for purposes of habitat mitigation.

4B-12

4B-12

Comment Summary:

The commenter provides a summary of existing conditions, topography, meteorology, and climate for the local area. The commenter raises concern for potential health effects on project residents due to exposure to toxic air pollutants generated by traffic traveling on I-5, both within the interior of their homes as well as from use of the rooftop decks. The commenter asserts that such conditions would be exacerbated by project generated vehicle trips onsite and resulting potential concentrations of harmful pollutants that may affect project residents and the Leucadia community. The commenter also makes reference to the FHWA’s Interim Guidance on Air Toxic Analysis in the NEPA Documents.

Response:

Potential effects of a project on itself are not subject to evaluation per CEQA requirements; rather, CEQA requires an analysis of the effects of a project on the environment. Whether emissions from vehicles driven by project residents would concentrate onsite and enter the interior of the

Preface and Responses to Comments

of coastal plains, which lie adjacent to the Pacific Ocean and extend approximately 6 miles east of the Pacific Ocean. Because of its locational advantage, the easterly portion of the city has a mild climate with cool summers on the coast, where marine fog (layer) is common.

- The *Piraeus Point Townhomes* project is located within 200 meters of I-5 Interstate Highway - which lies in a valley surrounded by coastal bluffs and ravines between Encinitas Boulevard to the south and La Costa Avenue to the north, - where more than 200,000 vehicles travel each day. The location of *Piraeus Point Townhomes* is also in a Non-Attainment Ambient Air Quality Standards Area. The U.S. EPA Administrator finds that the current and projected concentrations of the six key well-mixed Air Toxics known as Green House Gases (GHG's)—CO2, CH4, N2O, HFCs, PFCs, including sulfur hexafluoride (SF6)—in the specific project location atmosphere threatens the public health and welfare of current and future generations.
- This EIR DRAFT review (as previously twice submitted to the City of Encinitas and Lennar) again provides information on Air Toxics which is integral with the air quality in the I-5 Interstate transportation corridor. This project lies within less than 200 meters of I-5 a major interstate freeway with more than 200,000 vehicles travelling each day, whereby the residents of *Piraeus Point Townhomes* will be subjected to and breathing daily, the identified Air Toxics.

- Toxic air pollutants-also known as Hazardous Air Pollutants or HAPs-are those that are known to cause or suspected of causing cancer or other serious life-threatening health ailments. The

Clean Air Act Amendments of 1990 listed 188 HAPs and addressed the need to control toxic emissions from the transportation sector. In 2001, EPA issued its first Mobile Source Air Toxics Rule, which identified 21 Mobile Source Air Toxic (MSAT) compounds as being hazardous air pollutants that required regulation. A subset of six of these MSAT compounds were identified as having the greatest influence on health to the population living within a 200-meter radius of a major Interstate Freeway, i.e., I-5. These MSAT compounds or GHG's are as noted as follows: CO2, CH4, N2O, HFCs, PFCs and SF6.

- It would be unconscionable for the City to ignore the data on known health effects and approve this densely compacted project thereby subjecting the *Piraeus Point Townhome* residents and the surrounding community to known carcinogen pollutants, i.e., benzene, 1,3-butadiene, formaldehyde, acrolein, acetaldehyde, and diesel particulate matter (DPM). The City and the developer are aware of the prevailing wind from the SW to the NW. Therefore, the emission gases and particulates from Interstate I-5 corridor, will circulate within the townhome structures will be breathed and thereby affect every one of the project 455 or more residents, adults and children. Exacerbating this indirect emission issue is the actual on-site generation of emissions including Green House Gases (GHG) emanating from the 300 or more residential and service vehicles making 1,980 Vehicle Trips per Day (MVT) or more than 693,500 MVT's per year from this 2.017 internal roads/drive aisles acre site. This extreme concentration of cancer causing pollutants will be detrimental to the quality of life to the Leucadia community.
- To address stakeholders concerns and requests for a MSAT analysis during project development and mitigation, the Federal Highway Administration (FHWA) developed the

4B-12
cont'd

proposed homes is not relevant to the EIR analysis; no further analysis is required in this respect.

Refer to Response 4A-6. As indicated in EIR Section 3.2, Air Quality, an HRA was prepared to evaluate potential health risks to project residents due to Diesel Particulate Matter originating from proximity to I-5; refer to EIR Appendix C-2. To ensure that pollutant levels of concern for the proposed residential units remain below significance thresholds, mitigation measure AQ-1 would require installation of MERV-16 filtrations systems within each residence to reduce potential indoor levels of PM_{2.5}. As identified in the EIR, such impacts would be reduced to less than significant with mitigation incorporated.

As demonstrated in EIR Section 3.2, Air Quality, emissions generated by project-related vehicle traffic would not exceed established San Diego Air Pollution Control District thresholds. Impacts would be less than significant. The City acknowledges the commenter's reference to the FHWA's "Interim Guidance on Air Toxic Analysis in the NEPA Documents."

Interim Guidance on Air Toxic Analysis in the National Environmental Policy Act (NEPA) Documents.

4B-12
cont'd

3.2.2 Regulatory Framework

FEDERAL

- **Non-Attainment Ambient Air Quality Standards Area.** The project location is in a Non-Attainment Ambient Air Quality Standards Area. The U.S. EPA Administrator finds that the current and projected concentrations of the six key well-mixed GHGs— CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆ —in the atmosphere threaten the public health and welfare of current and future generations.

Green House Gases (GHG) Endangerment. In *Massachusetts v. Environmental Protection Agency* 549 U.S. 497 (2007), decided on April 2, 2007, the Supreme Court found that four GHGs, including CO₂, are air pollutants subject to regulation under Section 202(a)(1) of the Federal Clean Air

Act (CAA). The Court held that the EPA Administrator must determine whether emissions of GHGs from new motor vehicles cause or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. On December 7, 2009, the EPA Administrator signed two (2) distinct findings regarding GHGs under section 202(a) of the CAA:

4B-13

- **Endangerment Finding.** The U.S. EPA Administrator finds that the current and projected concentrations of the six key well-mixed GHGs— CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆ —in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding.** The U.S. EPA Administrator finds that the combined emissions of these well-mixed GHGs from motor vehicles and motor vehicle engines contribute to the GHG pollution, which threatens public health and welfare.
- These findings do not impose requirements on industry or other entities. However, this was a prerequisite for implementing GHG emissions standards for vehicles, as discussed. The U.S. Supreme Court upheld the EPA Administrator’s findings.

CALIFORNIA

Legislative Actions to Reduce GHGs

- The State of California legislature has enacted a series of bills to reduce GHGs. AB 32 was specifically enacted to address GHG emissions. Other legislation such as Title 24 and Title 20 energy standards were originally adopted for other purposes such as energy and water conservation, but also provide GHG reductions.

4B-13

Comment Summary:

The commenter asserts that the project site is located in a non-attainment ambient air quality standards area and cites a legal case and findings as to the potential for GHG emissions to adversely affect public health and welfare. The commenter also refers to a number of state regulations pertaining to the reduction of GHGs (e.g., AB 32). The commenter asserts that emissions generated by the project make it a likely candidate for review pursuant to Regulations Rule 20.3 for New Source Review of vehicle emission pollutants by the San Diego County Air Pollution Control District.

The commenter defines sensitive receptors and asserts that residents of Piraeus Point would be exposed to onsite emissions from vehicle trips generated by the project. The commenter further asserts that pollutants generated would enter the interior of the units and/or affect rooftop occupants; be drawn in by the HVAC systems ventilation air; or be transported to neighborhoods to the southwest and northeast.

Response:

Potential effects of a project on itself are not subject to evaluation per CEQA requirements; rather, CEQA requires an analysis of a project’s effects on the environment. Whether emissions from vehicles driven by project residents would concentrate onsite and enter the interior of the proposed homes is not relevant to the EIR analysis; no further analysis is required in this respect. The project would be implemented in accordance with applicable state and local air quality regulations, and as required by the APCD.

Section 3.2, Air Quality, and Section 3.5, Energy Conservation and Climate Change, of the EIR consider the potential effects of project operational emissions, including from automobiles. As analyzed, emissions generated by vehicle traffic associated with the project would not exceed established San Diego Air Pollution Control District thresholds for the pollutants of concern and would not contribute to a significant impact relative to air quality or GHG emissions from project-generated vehicles, nor result in adverse effects on the surrounding community.

Preface and Responses to Comments

4B-14

Comment Summary:

The commenter asserts that the “air quality impact to the (project) will be significant due the extreme high density” proposed. The commenter asserts that emissions from project-related vehicle movements onsite would be concentrated along the drive aisles between the proposed structures as residents enter/exit their garages, adversely affecting onsite residents and the surrounding neighborhood. The commenter asserts that, due to the narrow drive aisles proposed, residents would have to wait for others to maneuver in/out of their garages as the drive aisle would otherwise be blocked. The commenter also asserts that, with consideration for project-related vehicle trips (including residents, deliveries, trash pick-up, moving vans, etc.), the project is a “potential candidate for a NSR of the motor vehicle emissions and therefore consideration of an analysis by San Diego County ACPD Regulation NSR Rule 20.3.”

Response:

Refer also to Response 4B-13; potential project effects on project residents (“onsite” impacts) do not require evaluation pursuant to CEQA. Section 3.2, Air Quality, and Section 3.5, Energy Conservation and Climate Change, of the EIR provide a cumulative analysis of emissions generated by project operations. Such emissions would not exceed the adopted significance thresholds and would therefore be less than significant.

- **AB 32.** The California State Legislature enacted AB 32, which requires that GHGs emitted in California as defined include CO₂, CH₄, N₂O, HFCs, PFCs, SF₆, and nitrogen trifluoride. The California Air Resources Board (CARB) is the state agency charged with monitoring and regulating sources of GHGs. AB 32 further states the following:

“Global warming poses a serious threat to the economic well-being of Californians, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems,an increase in the incidences of infectious diseases, asthma, and other human health-related problems.

LOCAL

- The accumulation of on-site generated pollutants makes this project a likely candidate for the Applicant to submit to the San Diego County APCD a review of the Regulations Rule 20.3 for New Source Review (NSR) of vehicle emission pollutants whether stationary or mobile based on the health effects and GHG. Therefore, an NSR may be socially justified by SDC/APCD.
- **3.2.3 Analysis of Project Effects and Determination as to significance.** Sensitive populations (sensitive receptors) in proximity to localized sources of toxics and carbon monoxide are of concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.
- The >455 residents of *Piraeus Point Townhomes* are sensitive receptors to the emissions emitted from more than 300 motor vehicles making at least **1,980** motor vehicle trips per day with primarily gasoline fueled vehicles. or more than 358,000 MVT annually from the net 2.017 acres consisting of internal roads and drive aisles. The gasoline base emissions pollutants consist of but not limited to: O₃, CO, CO₂, benzene, 1,3-butadiene, formaldehyde, acrolein, acetaldehyde, and diesel particulate matter (DPM).
- The on-site source of airborne pollutants will rise vertically 40 feet from the drive aisles/garages located between the 16 townhome row type structures into open windows of the 149 townhomes up to the “roof- yard.” The polluted air will then be drawn into the roof top heat pump/AC unit(s) as ventilation air. Additionally, the polluted air will be further transported by the SW to NE prevailing wind to the adjacent community. Therefore, the carcinogen pollutants and particulates generated on-site will be breathed, absorbed and will affect every resident of the *Piraeus Point Townhome* subdivision and also the surrounding community residents.
- **3.2.4 Cumulative Impact Analysis.** The air quality impact to the *Piraeus Point Townhomes* subdivision will be significant due to the extreme high density of the 149 stacked four-story townhomes on 6.93 acres net/gross. The surrounding 24 feet wide drive aisles or internal transit areas between the 16, 40 feet high, 4-story row type townhomes, used for egress and ingress is approximately 2.017 acres.

The motor vehicle emissions will be concentrated in these narrow 24 feet wide transit (drive aisles) areas as the residents exit and enter their garages. The accumulation of gasoline/petroleum base pollutants, i.e., Greenhouse Gases (GHG) will be significant and

4B-13
cont'd

4B-14

injurious to the health of not only the 455 +/- residents but also will affect the surrounding community. It should be noted that due to the narrow drive aisles the residents when exiting or entering their garages are essentially blocking their neighbor from exiting until maneuvering of their vehicle has been completed permitting the next waiting neighbor to exit their garage, and so forth. This scenario has been observed at an identical 3 story stacked townhomes subdivision known as Seagrove Townhomes, 2533 State Street, Carlsbad, CA 92008. See photos.



- An average motor vehicle per the US EPA emits annually 37,333 lbs/CO₂. With more than 300 vehicles including, service vehicles, trash trucks, moving vans, visitors, etc., entering/leaving on a daily basis making more than 1,980 motor vehicle trips per day all within a concentrated area of 2.017 acres cannot be ignored. The accumulation of pollutants makes this project a potential candidate for a NSR of the motor vehicle emissions and therefore consideration of an analysis by SDC/APCD Regulations NSR Rule 20.3.

- Further, as a cumulative effect the Municipal Solid Waste (MSW), i.e., household trash, generates GHG consisting of CH₄ (methane gas) CO₂e (carbon dioxide equivalency). The total of GHG generated by MSW at **Piraeus Point Townhomes** site is based on the following: *4.9lbs MSW/day/per person, x 375 (residents) x 365 = 670,687 lbs/yr or 335 tons. The percentage of recycled materials = 32.1% the net MSW transported to a landfill is 455,396 lbs. The amount of CH₄ and CO₂e = emitted from landfilled MSW = 39% or 88 Metric Tons (MTT).

- Therefore, the cumulative effect of vehicle exhaust gases and the MSW is significant and is harmful to the health and quality of life for the **Piraeus Point Townhomes** and the community.
- Re: The U.S. EPA states that GHG gases CH₄, CO₂e are a serious contributor to the overall GHG emissions. *Center for Sustainable Systems University of Michigan.
- Construction Activities Emissions.** Project construction activities would generate CO₂e and CH₄ emissions. Detailed project construction equipment and scheduled timeline of construction has been made available per the DRAFT EIR. The soil grading alone will require 6,345 +/- 10 CY/13 ton dump trucks over a 10 +/- month (220 days) projected schedule. This quantity of truck trips equates to 29 truck trips per 8 hour day or approximately 1 truck per 15 minutes passing through the Piraeus Street/La Costa Avenue intersection. Standard similar

4B-14
cont'd

4B-15

4B-16

4B-17

4B-15

Comment Summary:

The commenter considers cumulative effects of the project and provides calculations of GHG emissions from landfills that would result from project-related solid waste generation and disposal.

Response:

The commenter provides calculations for the generation of solid waste without providing a reliable source for the data, operational assumptions made, or how such percentages were calculated for the project. The comments provided do not question the adequacy of the EIR analysis, nor identify a specific concern related to environmental issues evaluated in the EIR. Section 3.5, Energy Conservation and Climate Change, of the EIR provides an evaluation of operational GHG emissions from the project. Impacts were determined to be less than significant and no mitigation is required in this regard.

4B-16

Comment Summary:

The commenter asserts that the cumulative effect of vehicle exhaust gases and Municipal Solid Waste is significant and would be harmful for project residents and the surrounding community.

Response:

Please refer to Responses 4B-14 and -15.

4B-17

Comment Summary:

The commenter states that construction emissions for construction worker vehicles and vendor trips shall be conducted per CalEEMod or equal and tabulated within the EIR.

Response:

Construction emissions associated with the proposed project were estimated using CalEEMod version 2020.4.0 and are tabulated in Table 3.2-5: Expected Construction Emissions Summary (pounds per day) in

Preface and Responses to Comments

type construction equipment and duration have been estimated and the results have been tabulated. Construction related emissions are expected from the construction activities per the following:

- o Crushing
- o Grading
- o Building Construction
- o Paving
- o Architectural Coating

Construction Vehicle Trips

Construction emissions for construction worker vehicles traveling to and from the Project site, as well as vendor trips (construction materials delivered to the Project site) etc., shall be conducted per CalEEMod, or equal and tabulated within the project EIR.

- **Construction Equipment.** Typical site specific construction fleet may vary due to specific project needs at the time of construction. The associated construction equipment by phase is detailed in Table 3.2.4:

TABLE 3.2.4 MOTORIZED CONSTRUCTION EQUIPMENT ASSUMPTIONS

Activity	Equipment	Amount	Hours Per Day
Site Preparation/Grading, Excavation	10 CY/ 13-ton dump Trucks	6,345 over 220 days	8
	Rubber Tired Dozers	TBD	TBD
Compaction	Roller	TBD	TBD
Grading/Trenching/Excavation	Crawler Tractors	TBD	TBD
	Excavators	TBD	TBD
	Graders	TBD	TBD
	Rubber Tired Dozers	TBD	TBD
Building Construction	Cranes	TBD	TBD
	Crawler Tractors	TBD	TBD
	Forklifts	TBD	TBD
	Generator Sets/Diesel	TBD	TBD

4B-17
cont'd

Section 3.2, Air Quality, of the EIR. Refer also to Appendix C-1, Air Quality Assessment, of the EIR for related modeling data.

4B-18

Comment Summary:

The commenter provides a table of motorized construction equipment assumptions for the proposed project. Several columns have missing/incomplete information, indicating “tabulation to be completed by others.”

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required. Refer to subsequent comments below.

4B-18

	Welders/Diesel Gen-Set	TBD	TBD
Paving	Pavers	TBD	TBD
	Paving Equipment	TBD	TBD
	Rollers	TBD	TBD
Architectural Coating	Air Compressors	TBD	TBD

Source: CalEEMod model output, See Appendix 3.1 detailed model outputs. Tabulation to be completed by others

• **Construction Emission Summary.** The construction phase Project emissions, GHGs shall be quantified and amortized over the construction life of the Project per the San Diego County Air Pollution Control District Published Regulations Rules and Guidelines. Discounting the daily emission that the community will be breathing is an affront and an insult to the Leucadia Community. The community will be sitting behind these dump trucks as they idle at the Piraeus/La Costa Av., intersection waiting for a signal change., every 15 minutes for 10 months or longer This future real time exposure to the typical 6,345 dump trucks journey through Leucadia is one that can not be ignored by the City of Encinitas nor by Lennar.

• **Operational Emissions.** Operational activities associated with the proposed Project will result in emissions of CO₂, CH₄, and N₂O from the following primary on-site mobile and stationary sources which shall be tabulated and presented in the Lennar DRAFT EIR: and any future EIR's.

- Area Source Emissions
- Energy Source Emissions
- Mobile Source Emissions
- Water Supply, Treatment, and Distribution
- Solid Waste
- BBQs
- HVAC

3.2.4 Response to the DRAFT scoping EIR Air Quality is as follows:

- *The Elimination of the Risk of Cancer to the Piraeus Point Townhome residents due to the proximity of the Interstate I-5 Freeway is preposterous and an assault on the commonsense of the proposed project residents and is based on a probability of use of the home to avoid cancer. The sampling points on the subject site indicated that a significant risk was evidentiary.*
 - *However, the consultant discounted the health risk by indicating that air tight homes provide for protection from air bourn contaminants. There is no addressing the fact that these homes have roof top yards/decks, an occupiable level, which are promoted by Lennar for the residents to use for recreation. Is Lennar going to install a sign for each roof top "Use the roof deck at your own risk" since you will contract cancer when enjoying the view of the freeway?*
 - *The all electric homes will have heat pumps to provide heating and cooling. Most likely a small manual outside air intake damper will be adjusted to provide 15 CFM per person (per CA Title 24, Mechanical Code when operational. This setting would be fixed, if it exists at all. With tight residential homes ventilation is required for bathrooms where there are no outside windows and or operable if designed as such. Kitchen and bathroom exhaust air fans require makeup air including laundry clothes dryers to complete the ventilation cycle. The makeup air will be*

4B-18
cont'd

4B-19

4B-20

4B-19

Comment Summary:

The commenter asserts that construction phase emissions shall be quantified and amortized over the construction period per San Diego County Air Pollution Control District Published Regulations Rules and Guidelines. The commenter also asserts that the community's exposure to dump trucks during the construction period cannot be ignored.

Response:

Potential impacts of project construction are adequately analyzed in Section 3.2, Air Quality, and Section 3.5, Energy Conservation and Climate Change, of the EIR. Based on CalEEMod estimations, construction emissions would not exceed San Diego Air Pollution Control District established thresholds for criteria pollutants (carbon monoxide, reactive organic gases, nitrogen oxide, sulfur dioxide, coarse particulate matter, and fine particulate matter) for each year of construction. As project criteria pollutant emissions during construction would not exceed SDAPCD air quality standards and would be temporary, impacts would be less than significant in this regard.

Additionally, as analyzed in EIR Section 3.5, based on expected construction activities and equipment shown in Table 3.5-3, Expected Construction CO₂e Emissions MT/Year, project construction would generate 880.72 MTCO₂e over the construction life of the project. Lead agencies, including the SDAPCD and the County of San Diego, recommend that construction emissions be amortized (i.e., total construction emissions divided by the lifetime of the project, assumed to be 30 years) over a 30-year period to account for the contribution of construction emissions over a project's lifetime. As such, amortizing the emissions from project construction over a 30-year period would result in an annual contribution of approximately 29.36 MTCO₂e per year. These emissions are added to operational emissions to account for the contribution of construction to GHG emissions for the lifetime of the project. As such, GHGs from project construction were amortized over the construction life of the project, contrary to the commenter's statement. Construction vehicle trips (including soil hauling and resulting emissions) are accounted for in the modeling runs provided in EIR Appendix C-1. Therefore, such trips have not been "ignored," and

Preface and Responses to Comments

	Welders/Diesel Gen-Set	TBD	TBD
Paving	Pavers	TBD	TBD
	Paving Equipment	TBD	TBD
	Rollers	TBD	TBD
Architectural Coating	Air Compressors	TBD	TBD

Source: CalEEMod model output, See Appendix 3.1 detailed model outputs. Tabulation to be completed by others

- Construction Emission Summary.** The construction phase Project emissions, GHGs shall be quantified and amortized over the construction life of the Project per the San Diego County Air Pollution Control District Published Regulations Rules and Guidelines. Discounting the daily emission that the community will be breathing is an affront and an insult to the Leucadia Community. The community will be sitting behind these dump trucks as they idle at the Piraeus/La Costa Av., intersection waiting for a signal change., every 15 minutes for 10 months or longer This future real time exposure to the typical 6,345 dump trucks journey through Leucadia is one that can not be ignored by the City of Encinitas nor by Lennar.
- Operational Emissions.** Operational activities associated with the proposed Project will result in emissions of CO₂, CH₄, and N₂O from the following primary on-site mobile and stationary sources which shall be tabulated and presented in the Lennar DRAFT EIR: and any future EIR's.
 - Area Source Emissions
 - Energy Source Emissions
 - Mobile Source Emissions
 - Water Supply, Treatment, and Distribution
 - Solid Waste
 - BBQs
 - HVAC

4B-18
cont'd

4B-19

4B-20

are instead accounted for in the evaluation of potential project effects resulting with construction.

4B-20

Comment Summary:

The commenter asserts that emissions from certain project mobile and stationary operational activities should be “tabulated and presented in the EIR” as the significant cancer risk to project residents due to the proximity to I-5 was made evident. The commenter notes concern for project residents who would occupy outdoor rooftop yards/decks; “makeup air” for kitchen and bathroom exhaust fans that would be drawn from outdoor air; and drywall that would absorb vapors from dishwashers, subsequently resulting in the growth of mold. Additionally, the commenter asserts that MERV 16 air filters are for commercial installations and that they require a dedicated air filter section.

Response:

Refer to Response 4A-6. The commenter’s expressed concerns are related to the existing environment’s impact on the project and its future residents (e.g., exposure of project occupants to existing emissions from vehicles traveling on I-5), which are not changes to the physical environment. Impacts of a project do not fall under the provisions of CEQA unless said impacts exacerbate an existing hazard. The project would not exacerbate an existing hazard or result in significant air quality impacts; refer to EIR Section 3.2. Concerns pertaining to “makeup air,” the potential for mold, and/or economic costs of maintaining the MERV 16 filters are not issues of environmental concern pursuant to CEQA. The commenter’s concerns will be appropriately addressed through City policy and design review.

3.2.4 Response to the DRAFT scoping EIR Air Quality is as follows:

- The Elimination of the Risk of Cancer to the Piraeus Point Townhome residents due to the proximity of the Interstate I-5 Freeway is preposterous and an assault on the commonsense of the proposed project residents and is based on a probability of use of the home to avoid cancer. The sampling points on the subject site indicated that a significant risk was evidentiary.*
 - However, the consultant discounted the health risk by indicating that air tight homes provide for protection from air bourn contaminants. There is no addressing the fact that these homes have roof top yards/decks, an occupiable level, which are promoted by Lennar for the residents to use for recreation. Is Lennar going to install a sign for each roof top “Use the roof deck at your own risk” since you will contract cancer when enjoying the view of the freeway?*
 - The all electric homes will have heat pumps to provide heating and cooling. Most likely a small manual outside air intake damper will be adjusted to provide 15 CFM per person (per CA Title 24, Mechanical Code when operational. This setting would be fixed, if it exists at all. With tight residential homes ventilation is required for bathrooms where there are no outside windows and or operable if designed as such. Kitchen and bathroom exhaust air fans require makeup air including laundry clothes dryers to complete the ventilation cycle. The makeup air will be*

drawn from the outside which incidentally is contaminated with vehicle pollutants from the I-5 Freeway.

- It is to be noted that without ventilation air per -CA Title 24 Mechanical Code - for smells and odor removal and where no natural infiltration of outside air will occur, only mechanical means shall be available to reduce the potential presence of mold growing in damp locations. Moreso behind dishwashers where steam and high moisture content air is prevalent. The surrounding drywall will absorb these vapors and become saturated thereby creating a basis for airborne bacteria to grow as mold. This will occur unless adequate ventilation is provided and initiated.
- Further, residential heat pumps are not normally provided with MERVE 16 filters. MERVE 16 filters are for commercial installations such as hospitals, medical centers. The filter rating for residential units have MERVE 7 ratings or 30% per the NBS/ASTM Dust Spot Test. Further, the residents will not normally operate their Heat Pumps AC units 24/7 their SDG&E electrical bills will be thousands of \$\$ per month at 60 cents kWh. Certainly not the Low, Low, Income, residents living in taxpayer subsidized housing. Most certainly they will not be driving electrical motorized vehicles.
- However, the conclusion from LDN Consulting Inc., agrees with ECC that freeway pollutants do represent a significant cancer risk for all residents and recommends the installation of MERVE 16 filters. These typical filters require a dedicated air filter section such as manufactured by Lemnox, Air Pack section HCC29-28 complete with a MERV 16 air filter model type X6675. Typical initial static air Pressure Drop (PD) 0.31" w.g. and final/dirty PD 0.40" w.g. It is to be noted that MERVE 16 filters require a manufactured air filter section as per or equal to Carrier #E2XCAB020.; Honeywell #F25A1068. This requirement cannot be ignored.
- It is to be noted that the selected manufacturer of the heat pump/AC unit shall provide an air Filter Section as noted in order to accommodate the 20" x 25" x 5" MERV 16 air filter.

4B-20
cont'd

3.3 BIOLOGICAL RESOURCES

3.3.1 Existing Conditions. Coastal Sage Scrub (CSS) and Southern Maritime Chapparal have been identified and are a part of the Cannon Property Parcels A and B whereby nesting Gnatcatchers, an endangered species, have been observed.

Therefore, if the Gnatcatcher habitat is lost, which is probable, due to the proposed **Piraeus Point Townhomes** development, it is the ECC's understanding that the Cannon Family, per Brian Grover, January 1, 2022, proposed the following:

Mitigation Target Property - Parcel B – APN 216-110-35-00 (4.39 Acres)

The goal of a preservation and mitigation program is to remove the likelihood of a development potential of the "Target" property, i.e., Parcel B. The said program would enhance those areas of CSS where disturbed, through rehabilitation efforts and preserve existing high quality upland habitat through site protection (easements and fence), and manage the "Target" parcel in perpetuity via an approved Habitat Management Plan (HMP) by a designated 3rd Party.

The proposed HMP of the native uplands vegetation communities on Parcel B will preserve:

- Occupied California gnatcatcher habitat by removing extant habitat from the threat of development;

4B-21

4B-21

Comment Summary:

The commenter summarizes existing conditions of the project site relative to biological resources. The commenter also describes the goals of preserving and managing Assessor Parcel Number 216-110-35-00 (proposed offsite preserve area) in perpetuity.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required. Refer to subsequent comments provided.

Preface and Responses to Comments

- Southern Maritime Chaparral and coastal sage scrub habitat and ecosystem continuity through connectivity between coastal wetlands and native uplands;
- Sensitive plants and cultural resources onsite;
- Wildlife connectivity with Batiquitos Lagoon and surrounding native open space that connects to Encinitas Creek and other drainages into the lagoon and out to the Pacific coastline; and,
- Natural topography adjacent to Batiquitos Lagoon that is highly visible from the I-5 Corridor and significantly contributes to the scenic quality and landscape character.

Again, it is understood that the following is a suggestion only whereby, should the Cannon Family Trust, aka Piraeus Investments LLC, decide to offer as "mitigation property, i.e., Parcel A and B" the said properties shall be dedicated and transferred by Quitclaim Deed, or other approved instrument, to SANDAG Environmental Mitigation Working Group. The property shall be held in perpetuity and maintained as a "Natural Habitat and Environmental Preserve." The mitigation property would be administered by an independent 3rd Party,

- See **Appendices D.**, North Coast Corridor Public Works Plan/Transportation and Resource Enhancement Program Mitigation Site Assessment for the noted La Costa Preservation Parcel. Prepared by Dudek on behalf of Caltrans, and SANDAG August 2012. Within **Appendices D** are certified maps of the location of CSS, Southern Marine Chaparral, and the California Gnatcatcher. The Cannon Family Trust Properties, aka Piraeus Investments LLC. Parcel A and B are contiguous with the La Costa Mitigation Preservation Parcel thereby providing an existing habitat connectivity for the California Gnatcatcher parallel to the I-5 Scenic Visual Corridor frontage road, i.e., Piraeus Road.

It is to be noted that there are local CAGN present within the area and that their nesting season is April through August. Thereby, no construction activity shall take place during this time period where nesting CAGN are known to be present within 300 feet of ALL construction activities, including the dump truck route along Piraeus Street, i.g., Parcel B, as noted The nesting locations of all endangered avian species shall be identified, mapped and monitored by the Project Biologist within a 300 foot radius of Piraeus Road and Piraeus Point, Cannon Properties Parcel A and Parcel B.

Further, Comply with Sections 3503, 3503.5, 3511 and 3513 of the California Fish and Game Code and the federal Migratory Bird Treaty Act, limiting activities to the non-breeding season will minimize chances of incidental take of migratory songbirds or raptors. Should it be necessary to conduct brushing, grading or other site activities during the songbird breeding season, a preconstruction nesting survey of ALL areas within 300 feet radius of Piraeus Point and Piraeus Street of the proposed activity will be required. The results of the survey shall be provided, to the Director of the City of Encinitas Planning Department for concurrence with the conclusions and recommendations of the consulting Biologist.

It is to be noted that a recent Biologist Field report conducted on a local Bluff-Mesa property has reported visual evidence of the Pacific Pocket Mouse has been observed within the connectivity area of the southern area of Batiquitos Lagoon which includes the area of State owned La Costa Preservation Parcel, Cannon Property Parcel B, Piraeus

4B-21
cont'd

4B-22

4B-22

Comment Summary:

The commenter offers a suggestion should Parcels A and B be offered as mitigation properties to be administered by an independent 3rd party. The commenter asserts that California gnatcatchers are present within the vicinity and that the project site has habitat connectivity with the La Costa Preservation Parcel to the east/northeast. The commenter further asserts that various requirements for gnatcatcher avoidance should be adhered to during construction, and that the project should comply with Sections 3503, 3503.5, 3511, and 3513 of the California Fish and Game Code and the Federal Migratory Bird Treaty Act, limiting construction activities during the breeding season. The commenter asserts that visual observation of the Pacific pocket mouse within the connectivity area of the southern area of Batiquitos Lagoon (which includes the project site and the proposed off-site preserve area) has been documented in a recent biological field report.

Response:

The project proposes the northernmost parcel as a preserve area for biological mitigation purposes and would be managed in perpetuity by a 3rd party entity over the long term. As discussed in EIR Section 3.3, Biological Resources, the preserve area provides wildlife movement opportunities due to its connectivity to open space to the northeast and adjacency to Batiquitos Lagoon. Further, the off-site preserve area contains vegetation structure and topography that does provide unique or additional vegetative cover or shelter from adjacent areas, which is a characteristic of wildlife corridor areas. Therefore, the potential for the proposed off-site preserve area to provide habitat connectivity is recognized.

The project would conform to applicable MBTA requirements and would implement mitigation measures BIO-1, BIO-2, and BIO-5 to require a pre-construction survey for nesting species; regulate ground disturbing activities during the breeding season; and require construction monitoring to ensure potential effects on breeding or nesting avian species are minimized.

Point and south thereof towards Christine Place. The Pacific Pocket Mouse is Federal Endangered Specie once thought to be extinct.

3.3.2 Cumulative Impact Analysis. The loss of the Coastal Sage Scrub (CSS) the Southern Maritime Chapparal that have been identified on the Cannon Family Trust Property aka Piraeus Investment LLC, Parcels A and B including nesting Gnatcatchers, an endangered species, will be significant.

- **The ECC believes the Lennar Draft EIR does not address the Biological Resources concerns as identified herein and therefor the responses are deemed inadequate**

3.4 GEOLOGY and SOILS

3.4.1 Existing Conditions. The bluff and project areas were formed during the Eocene Epoch as the oceans rose and fell. The latest geologic outcroppings elevation 80 feet +/- above mean sea level (AMSL) were developed during the Pleistocene Epoch when the Batiquitos Lagoon was formed and during the retreat of the last ice age known as the Holocene period of 11,800 years. Batiquitos Lagoon was formed as the inland waters meandered to the ocean, namely Encinitas Creek, the Escondido Creek and the SanMarcos Creek all drain to Batiquitos Lagoon.

- The proposed project is to be constructed adjacent to pristine inland coastal bluffs that were formed during the early Eocene epoch. During the latter part of the Eocene epoch, a deep bench was formed. During the subsequent Pleistocene epoch, the transgressive and regressive ocean deposition of marine terrace (sandstone) took place. This deposition formed a cap over the bluff area. Over time, the bluff has eroded and deep canyons and rifts are clearly visible, e.g., the sites north property line.
- Based upon the ECC review of the Lennar Homes project Application Package it appears the project will require the export of a minimum of 60,000 +/- CYs of ancient marine terrace deposits and the importation of 11,000 CY (minimum) of “engineered” soil. The soil will be required for compaction in order to establish a base foundation that can support the large 16 townhome stacked structures anchored to monolithic concrete pads.

The project site is located on or within very close proximity to the La Costa Avenue Fault (depicted below), as initially identified by noted geologist Leonard Eisenberg and confirmed by Professor Norrie Robbins, PhD (Geology, San Diego State University).

4B-22
cont'd

4B-23

4B-24

4B-25

The commenter does not provide substantial evidence or documentation to indicate that the federally endangered Pacific pocket mouse was observed on the project site and would therefore be potentially impacted by the project. Focused surveys for Pacific pocket mouse were conducted with negative results; refer to Attachment C of EIR Appendix D. Further, the project site provides low-quality habitat for the Pacific pocket mouse. Project impacts on this species were concluded to be less than significant.

4B-23

Comment Summary:

The commenter asserts that impacts to coastal sage scrub and California gnatcatchers identified on the project site and adjacent preserve area will be significant.

Response:

As described in EIR Section 3.3, Biological Resources, implementation of mitigation measures BIO-1 through BIO-9 would reduce the potential for the project to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS, including the coastal California gnatcatcher and coastal sage scrub.

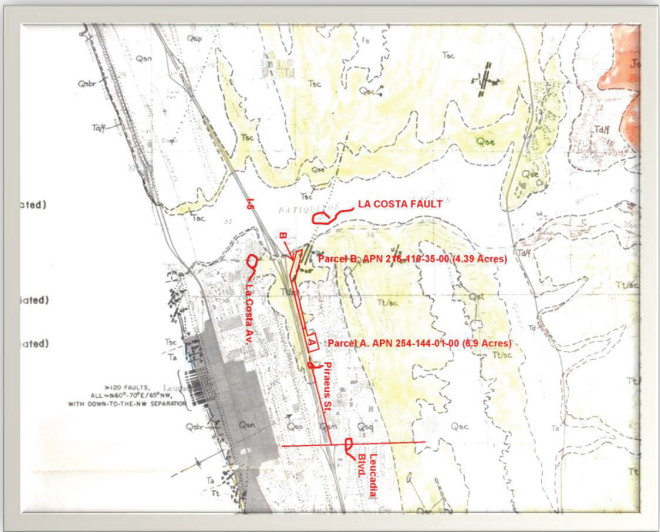
4B-24

Comment Summary:

The commenter indicates that the Encinitas Community Collective believes that the EIR does not adequately address the concerns identified in the comment letter provided.

Response:

Potential project impacts relative to biological resources are adequately analyzed in EIR Section 3.3, Biological Resources. Refer also to Responses 4B-21 to 4B-23, above.



(Source: Leonard Eisenberg)

3.4.2 Regulatory Framework. Pursuant to City of Encinitas Engineering Design Manual Chapter 3, Section 3.604.2 and EMC Chapter 23.24, prior to any Grading Plan Submittal, the project area needs to be investigated per the Alquist-Priolo Act of 1972.

- This requires a Registered Engineering Geologist to conduct a full geologic reconnaissance of the project area to determine potential hazard zones or areas and define the La Costa Avenue Fault Rupture Zone including other known faults underlying Batiquitos Lagoon.
- Geologic Investigations must conform with the California Geologic Survey's Guidelines for Evaluating the Hazard of Surface Fault Rupture and the California Board of Geologists and Geophysicists Geologic Guidelines for Earthquake and/or Fault Hazard Reports.

3.4.3 Threshold for Determination as to significance. The rupture of any known geologic fault has the potential for causing a landslide, should a seismic shaking occur on the high-pressure water mains on the subject property, a potential exists towards causing a rupture of the underground water mains piping distribution system.

- **Site History** - ECC is very much aware and have the history - as does the City of Encinitas - towards how unstable the project site/property has been over the years, with several subsidence(s) events occurring 2 or 3 times over the past 25 years. The City did file a cause of

4B-25
cont'd

4B-25

Comment Summary:

The commenter provides background information and existing conditions at the project site relative to geology and soils. The commenter notes that the project site is located on or within very close proximity to the La Costa Avenue Fault.

Response:

Refer to Response 4A-8 pertaining to the La Costa Avenue Fault. All project groundwork and construction would conform to applicable state and local building codes, as well as recommendations of the site-specific geotechnical report, to ensure potential impacts related to seismic activity remain less than significant.

4B-26

4B-26

Comment Summary:

The commenter describes the requirements of the City's Engineering Design Manual, which requires a registered engineering geologist to conduct a full geologic reconnaissance of the project area and requires geologic investigations to conform to guidelines of the California Geologic Survey and the California Board of Geologists.

Response:

The EIR, and supporting technical analyses as appropriate, have been prepared by qualified professionals in conformance with applicable local and state regulations and requirements. The Geotechnical Investigation prepared for the project site is included in Appendix G-1 of the EIR. No further response is required.

4B-27

4B-28

4B-27

Comment Summary:

The commenter describes thresholds of significance relative to geology and soils and identifies the potential for landslides or rupture of "high pressure water mains on the subject property" as the result of seismic shaking.

action with the California State Superior Court, North County Division, Vista due to the endangerment of life and property due to overwatering by the Agricultural Business operator.

- The ECC requests in advance, a copy of the Geotechnical Investigation Soils Testing Report complete with a site layout indicating the location of the referenced test boreholes, including the water table elevation.

3.4.4 Analysis of Project Effects and Determination as to significance. Significant soil removal will be conducted for a 10 month period. Essentially ALL of the native soil will be removed from the site. 40 foot high reinforced concrete wall will be constructed at the east and north property lines essentially creating a two-sided enclosure creating a less than 16% minimal gradient slope site to enable access by emergency vehicles. There will be trenching for underground utilities and surface water runoff catch basins for drainage control. To protect the surrounding sensitive habitats north of the 40 foot high retaining wall native, drought tolerant plantings shall be planted.

- In order for this subdivision to be constructed the entire site will be removed to accommodate the 16 4 level townhome structures and to enableNote that ignoring the natural continuing erosion process and adding to it by removing the marine terrace deposits 40 feet below natural grade of the north east property line and then landscaping and irrigating with thousands of gallons per year is a great concern to the community.

3.4.5 Cumulative Impact Analysis. It is to be noted that a 4.1 moderate earthquake event occurred Sunday January, 2022 at 9:46 AM in Valley Center, San Diego County, approximately 28 miles NE of the project site. The seismic event was felt in the coastal cities of Encinitas, Carlsbad and Oceanside. Source: www.USGS.com.

- Should the swimming pool be constructed with a typical volume of 25,000 to 45,000 gallons of water the weight of the water and construction would range from 200 to 300 tons respectfully. In the event of a seismic event this volume of water could potentially be destructive
- **The ECC believes the Lennar Draft Scoping EIR does not address the Geology and Soils concerns as identified herein and therefore the responses are deemed inadequate.**

3.5 HAZARDS and HAZARDOUS MATERIALS

3.5.1 Existing Conditions. A 2-acre area of Parcel A, was cultivated for use as a Commercial Agricultural growing business from approximately 1998 to 2010. The ECC has aerial photos of an agricultural operation. There are community witnesses of agricultural pesticides being sprayed on the crops (probably well beyond the scope of permitted activities). (Ref., Minor Use Permit, Coastal Development Permit Case No. 98-209 MIN/CDP). See Appendices C. Additionally, a record exists of subsidence/landslide due to uncontrolled irrigation of the agricultural crops in 2001 and a resultant lawsuit is on file related to the same. (Among others, Ref., City of Encinitas v. Teresa M. Cannon and DOES, Case No GIN021848-1, Superior Court of the State of California, County of San Diego, North County Division, Vista.)

4B-28
cont'd

4B-29

4B-30

4B-31

4B-32

Response:

The comments provided do not raise an environmental concern pursuant to the provisions of CEQA, nor do they question the adequacy of the EIR. No further response is required.

4B-28

Comment Summary:

The commenter states that the Encinitas Community Collective and the City are aware of the instability of the subject site and asserts that two to three subsidence events have occurred over the past 25 years. The commenter asserts that the City filed a cause of action relative to the endangerment of life and property due to overwatering by the former agricultural business operator of the site.

Response:

As described in Section 3.6, Geology and Soils, of the EIR, in 2001, a documented landslide occurred on-site that closed adjacent Piraeus Street. The landslide debris is unsuitable to be left in place and complete removal would be required during remedial grading operations for the project. Removal of the slope would result in a buttress fill which would mitigate potential future instabilities in this area of the site; refer to EIR Appendix G-1.

Based on the low susceptibility to liquefaction and the formational material units underlying the site, the possibility of earthquake-induced lateral spreading is considered to be low. Subsidence is also not anticipated to be a design factor due to the density of the underlying Very Old Parallic Deposits and Santiago Formation and the lack of groundwater pumping or extraction of other subsurface materials in the surrounding area.

With conformance to California Building Code and local engineering design requirements, combined with recommendations made in the Geotechnical Investigation, the project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

Preface and Responses to Comments

action with the California State Superior Court, North County Division, Vista due to the endangerment of life and property due to overwatering by the Agricultural Business operator.

- The ECC requests in advance, a copy of the Geotechnical Investigation Soils Testing Report complete with a site layout indicating the location of the referenced test boreholes, including the water table elevation.

3.4.4 Analysis of Project Effects and Determination as to significance. Significant soil removal will be conducted for a 10 month period. Essentially ALL of the native soil will be removed from the site. 40 foot high reinforced concrete wall will be constructed at the east and north property lines essentially creating a two-sided enclosure creating a less than 16% minimal gradient slope site to enable access by emergency vehicles. There will be trenching for underground utilities and surface water runoff catch basins for drainage control. To protect the surrounding sensitive habitats north of the 40 foot high retaining wall native, drought tolerant plantings shall be planted.

- In order for this subdivision to be constructed the entire site will be removed to accommodate the 16 4 level townhome structures and to enableNote that ignoring the natural continuing erosion process and adding to it by removing the marine terrace deposits 40 feet below natural grade of the north east property line and then landscaping and irrigating with thousands of gallons per year is a great concern to the community.

3.4.5 Cumulative Impact Analysis. It is to be noted that a 4.1 moderate earthquake event occurred Sunday January, 2022 at 9:46 AM in Valley Center, San Diego County, approximately 28 miles NE of the project site. The seismic event was felt in the coastal cities of Encinitas, Carlsbad and Oceanside. Source: www.USGS.com.

- Should the swimming pool be constructed with a typical volume of 25,000 to 45,000 gallons of water the weight of the water and construction would range from 200 to 300 tons respectfully. In the event of a seismic event this volume of water could potentially be destructive
- *The ECC believes the Lennar Draft Scoping EIR does not address the Geology and Soils concerns as identified herein and therefore the responses are deemed inadequate.*

3.5 HAZARDS and HAZARDOUS MATERIALS

3.5.1 Existing Conditions. A 2-acre area of Parcel A, was cultivated for use as a Commercial Agricultural growing business from approximately 1998 to 2010. The ECC has aerial photos of an agricultural operation. There are community witnesses of agricultural pesticides being sprayed on the crops (probably well beyond the scope of permitted activities). (Ref., Minor Use Permit, Coastal Development Permit Case No. 98-209 MIN/CDP). See Appendices C. Additionally, a record exists of subsidence/landslide due to uncontrolled irrigation of the agricultural crops in 2001 and a resultant lawsuit is on file related to the same. (Among others, Ref., City of Encinitas v. Teresa M. Cannon and DOES, Case No GIN021848-1, Superior Court of the State of California, County of San Diego, North County Division, Vista.)

4B-28
cont'd

4B-29

Comment Summary:

The commenter requests a copy of the Geotechnical Investigation Soils Testing Report.

Response:

The Geotechnical Investigation prepared for the proposed project is included in Appendix G-1 of the EIR. The full technical report was circulated with the EIR for the 60-day public review period.

4B-29

4B-30

4B-30

Comment Summary:

The commenter asserts that essentially all of the native soils onsite would be removed with project grading; that retaining walls constructed at the northern and eastern property boundaries would affect slopes and emergency access; that trenching would occur for undergrounding utilities and drainage control; and that drought tolerant plantings should be planted. The commenter also asserts that erosion and removal of marine terrace deposits 40 feet below natural grade of the northeast property line, as well as landscaping and required irrigation, are of concern to the community.

4B-31

Response:

Any removal of onsite soils; construction of retaining walls; trenching activities; and erosion control measures would occur in conformance with California Building Code and local engineering design requirements, as well as recommendations made in the Geotechnical Investigation (EIR Appendix G-1). The planting of any drought tolerant plants and irrigation requirements would occur consistent with the approved conceptual landscape and irrigation plans.

4B-32

No potential adverse effects relative to geology and soils were identified for the project. Impacts would be less than significant.

action with the California State Superior Court, North County Division, Vista due to the endangerment of life and property due to overwatering by the Agricultural Business operator.

- The ECC requests in advance, a copy of the Geotechnical Investigation Soils Testing Report complete with a site layout indicating the location of the referenced test boreholes, including the water table elevation.

3.4.4 Analysis of Project Effects and Determination as to significance. Significant soil removal will be conducted for a 10 month period. Essentially ALL of the native soil will be removed from the site. 40 foot high reinforced concrete wall will be constructed at the east and north property lines essentially creating a two-sided enclosure creating a less than 16% minimal gradient slope site to enable access by emergency vehicles. There will be trenching for underground utilities and surface water runoff catch basins for drainage control. To protect the surrounding sensitive habitats north of the 40 foot high retaining wall native, drought tolerant plantings shall be planted.

- In order for this subdivision to be constructed the entire site will be removed to accommodate the 16 4 level townhome structures and to enableNote that ignoring the natural continuing erosion process and adding to it by removing the marine terrace deposits 40 feet below natural grade of the north east property line and then landscaping and irrigating with thousands of gallons per year is a great concern to the community.

3.4.5 Cumulative Impact Analysis. It is to be noted that a 4.1 moderate earthquake event occurred Sunday January, 2022 at 9:46 AM in Valley Center, San Diego County, approximately 28 miles NE of the project site. The seismic event was felt in the coastal cities of Encinitas, Carlsbad and Oceanside. Source: www.USGS.com.

- Should the swimming pool be constructed with a typical volume of 25,000 to 45,000 gallons of water the weight of the water and construction would range from 200 to 300 tons respectfully. In the event of a seismic event this volume of water could potentially be destructive
- **The ECC believes the Lennar Draft Scoping EIR does not address the Geology and Soils concerns as identified herein and therefore the responses are deemed inadequate.**

3.5 HAZARDS and HAZARDOUS MATERIALS

3.5.1 Existing Conditions. A 2-acre area of Parcel A, was cultivated for use as a Commercial Agricultural growing business from approximately 1998 to 2010. The ECC has aerial photos of an agricultural operation. There are community witnesses of agricultural pesticides being sprayed on the crops (probably well beyond the scope of permitted activities). (Ref., Minor Use Permit, Coastal Development Permit Case No. 98-209 MIN/CDP). See Appendices C. Additionally, a record exists of subsidence/landslide due to uncontrolled irrigation of the agricultural crops in 2001 and a resultant lawsuit is on file related to the same. (Among others, Ref., City of Encinitas v. Teresa M. Cannon and DOES, Case No GIN021848-1, Superior Court of the State of California, County of San Diego, North County Division, Vista.)

4B-28
cont'd

4B-29

4B-30

4B-31

4B-32

4B-31

Comment Summary:

The commenter asserts that a January 2022 earthquake occurring 28 miles northeast of the project site was felt by the cities of Encinitas, Carlsbad, and Oceanside. The commenter asserts that the volume of water in the proposed onsite swimming pool could be potentially destructive if a seismic event were to occur. The commenter asserts that the EIR does not adequately address the concerns raised relative to geology and soils.

Response:

Potential impacts of the project are adequately addressed in Section 3.6, Geology and Soils, of the EIR. Please refer also to Responses 4B-25 through 4B-30 above.

As discussed in Section 3.6 of the EIR, no known active faults or potentially active faults transect or project toward the subject site, nor is the site located within an earthquake fault zone mapped by the state or the County of San Diego; refer also to EIR Appendix G-1, Geotechnical Investigation. The EIR, and supporting technical analyses, have been prepared by qualified professionals in conformance with applicable local and state regulations and requirements. The project site is in a seismically active region and could experience ground shaking associated with an earthquake along nearby faults, as identified in the EIR. Project conformance with the requirements of the California Building Code and other local design requirements would ensure that impacts resulting from exposure to strong seismic ground shaking on any local or regional faults would remain less than significant.

4B-32

Comment Summary:

The commenter provides a summary of former agricultural operations conducted on a portion of the subject site and asserts that pesticides were utilized on the crops grown. The commenter also asserts that a record of subsidence/landslide occurred on-site in 2001 due to uncontrolled irrigation of agricultural crops.

Preface and Responses to Comments

- **Standard Environmental Record Sources.** Aerial photos of the years in operation have been obtained. The photos and an analysis of the agricultural activities are attached as Appendices C.

3.5.2 Regulatory Framework. Regulated or banned pesticides as per U.S. 40 CFR, and California Proposition 65, Cancer Causing Agents, that are equal to or above the reportable limits shall be removed from the site to an approved Treatment Storage and Disposal Facility, if found.

3.5.3 Analysis of Project Effects and Determination as to significance. The ECC is requesting that the soil on the Cannon property “Parcel A” shall be sampled and analyzed by a State Certified Analytical Laboratory. The soil samples shall be obtained at depths of 1ft, 2ft, 3ft and 4ft on a 10ft x 10ft (maximum) matrix. The ECC hereby requests a certified copy of the Soil Sampling Report.

3.5.4 Cumulative Impact Analysis. In the event of positive sampling results of the regulated or banned pesticides as per U.S. 40 CFR, and California Proposition 65, Cancer Causing Agents, that are equal to or above the reportable limits, for residential developments, shall be removed from the site via a Manifest and transported to a licensed Treatment Storage and Disposal Facility, for treatment and disposal.

- *Again, The ECC is requesting that ALL CONTAMINATED SOILS shall be REMOVED from the site and shall not be buried or encapsulated on site whether or not the Townhomes Project is constructed.*
- *The ECC believes the Lennar Draft Scoping EIR (Geocon) did not address the Hazards and Hazardous Materials concerns as identified and discussed herein and therefore the responses are deemed inadequate. The Phase one ESA personnel were unaware of the 1998 to 2010 agricultural operations. No soil sampling or a lab analysis was conducted by Geocon. Therefore, the Phase One ESA needs to be reconducted and soil samples taken as per the Department Of Toxic Substances Control (DTSC) Interim Guidance for Sampling Agricultural Properties (3rd Rev) August 2008. A minimum of four (4) bore samplings shall be taken per acre. A total number of required samples shall be not less than eight (8). Sampling depth shall be 6 inches. Samples shall be analyzed at a California Certified Laboratory. The chemicals of concern are: arsenic, Organo Chlorine Phosphates (OCPs) , e.g., DDT, toxaphene, aldrin, dieldrin, Follow DTSC QA/QC protocol per SW-846.*
- *However, the removal of more than 60,000 CY of soil from the property will transform the property to a flattened site with maximum grade slopes of 16% to satisfy the City of Encinitas Fire Marshall to enable the Fire Department emergency vehicles to access the subdivision, therefore, the concern with Hazardous Material Contaminated soil may well be a moot issue if the project is approved.*

3.6 NOISE

3.6.1 Definition of Noise
Noise - unwanted sound.



Response:
The comments provided do not question the adequacy of the EIR. Refer to Response 4B-28 above regarding prior landslide occurrence onsite.

4B-33

Comment Summary:
The commenter describes the requirements of Title 40 of the US Code of Federal Regulations (40 CFR) and California Proposition 65 regarding regulated or banned pesticides.

Response:
The comments provided do not raise an issue of EIR adequacy or environmental concern relative to CEQA. Project construction and operation would occur in conformance with applicable local, state, and federal requirements pertaining to the use and handling of any hazardous materials or substances. No further response is required.

4B-34

Comment Summary:
The commenter requests that additional soil sampling be conducted at the project site and samples be analyzed at a State Certified Analytical Laboratory. The commenter requests a copy of the certified soil sampling report.

Response:
Geocon, Inc. conducted a Phase I and II Environmental Site Assessment (ESA) at the project site in September 2021 (Appendix H-2 of the EIR) to address potential impacts associated with former onsite agricultural use. A total of six soil samples were collected from a depth of six inches and analyzed for organochlorine pesticides (OCPs) by US Environmental Protection Agency (USEPA) Test Method 8081A and arsenic by USEPA Test Method 6010B at a state-certified laboratory (Enthalpy Analytical, LLC). Results indicated that detected concentrations of OCPs did not exceed their respective San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels for residential soil. Arsenic was detected at concentrations within the range of naturally occurring/background concentrations in California soils. Based on such results, Geocon, Inc.

- **Standard Environmental Record Sources.** Aerial photos of the years in operation have been obtained. The photos and an analysis of the agricultural activities are attached as Appendices C.

3.5.2 Regulatory Framework. Regulated or banned pesticides as per U.S. 40 CFR, and California Proposition 65, Cancer Causing Agents, that are equal to or above the reportable limits shall be removed from the site to an approved Treatment Storage and Disposal Facility, if found.

3.5.3 Analysis of Project Effects and Determination as to significance. The ECC is requesting that the soil on the Cannon property “Parcel A” shall be sampled and analyzed by a State Certified Analytical Laboratory. The soil samples shall be obtained at depths of 1ft, 2ft, 3ft and 4ft on a 10ft x 10ft (maximum) matrix. The ECC hereby requests a certified copy of the Soil Sampling Report.

3.5.4 Cumulative Impact Analysis. In the event of positive sampling results of the regulated or banned pesticides as per U.S. 40 CFR, and California Proposition 65, Cancer Causing Agents, that are equal to or above the reportable limits, for residential developments, shall be removed from the site via a Manifest and transported to a licensed Treatment Storage and Disposal Facility, for treatment and disposal.

- *Again, The ECC is requesting that ALL CONTAMINATED SOILS shall be REMOVED from the site and shall not be buried or encapsulated on site whether or not the Townhomes Project is constructed.*
- *The ECC believes the Lennar Draft Scoping EIR (Geocon) did not address the Hazards and Hazardous Materials concerns as identified and discussed herein and therefor the responses are deemed inadequate. The Phase one ESA personnel were unaware of the 1998 to 2010 agricultural operations. No soil sampling or a lab analysis was conducted by Geocon. Therefore, the Phase One ESA needs to be reconducted and soil samples taken as per the Department Of Toxic Substances Control (DTSC) Interim Guidance for Sampling Agricultural Properties (3rd Rev) August 2008. A minimum of four (4) bore samplings shall be taken per acre. A total number of required samples shall be not less than eight (8). Sampling depth shall be 6 inches. Samples shall be analyzed at a California Certified Laboratory. The chemicals of concern are: arsenic, Organo Chlorine Phosphates (OCPs) , e.g., DDT, toxaphene, aldrin, dieldrin, Follow DTSC QA/QC protocol per SW-846.*
- *However, the removal of more than 60,000 CY of soil from the property will transform the property to a flattened site with maximum grade slopes of 16% to satisfy the City of Encinitas Fire Marshall to enable the Fire Department emergency vehicles to access the subdivision, therefore, the concern with Hazardous Material Contaminated soil may well be a moot issue if the project is approved.*

3.6 NOISE

3.6.1 Definition of Noise
Noise - unwanted sound.

4B-32 cont'd
4B-33
4B-34
4B-35
4B-36
4B-37
4B-38

determined that former agricultural use of the project site is not a recognized environmental condition. Soil removal due to prior agricultural use is therefore not warranted for the project site.

The Phase II ESA was adequately prepared by Environmental Professionals as defined in Section 312.10 of 40 CFR Part 312. Although soil sampling as part of the Phase II ESA was not conducted at the depths requested by the commenter, the commenter does not provide evidence to suggest that an additional soil investigation is warranted, specifically one that would involve the collection and analysis of deeper soil samples. Additionally, the commenter does not provide evidence to indicate that analysis in the EIR is inadequate. No further response is required.

4B-35

Comment Summary:

The commenter asserts that if soil testing results exceed reportable limits, such soils shall be removed from the project site via a Manifest and transported to a licensed Treatment Storage and Disposal Facility. The commenter asserts that all contaminated soils shall be removed from the site and not buried or encapsulated onsite whether or not the project is constructed.

Response:

Please refer to Response 4B-34.

4B-36

Comment Summary:

The commenter asserts that the Phase I ESA needs to be reconducted, as previous Phase I ESA personnel were not aware of the former (1998 to 2001) agricultural use of the project site and did not conduct soil sampling or laboratory analysis. The commenter describes the methodology to be utilized for additional soil sampling.

Response:

Please refer to Response 4B-34. A Phase I and II ESA was conducted by Geocon, Inc. in 2021 to address potential impacts to the project site associated with former agricultural use. While the Phase II ESA report does

Preface and Responses to Comments

- **Standard Environmental Record Sources.** Aerial photos of the years in operation have been obtained. The photos and an analysis of the agricultural activities are attached as Appendices C.

3.5.2 Regulatory Framework. Regulated or banned pesticides as per U.S. 40 CFR, and California Proposition 65, Cancer Causing Agents, that are equal to or above the reportable limits shall be removed from the site to an approved Treatment Storage and Disposal Facility, if found.

3.5.3 Analysis of Project Effects and Determination as to significance. The ECC is requesting that the soil on the Cannon property “Parcel A” shall be sampled and analyzed by a State Certified Analytical Laboratory. The soil samples shall be obtained at depths of 1ft, 2ft, 3ft and 4ft on a 10ft x 10ft (maximum) matrix. The ECC hereby requests a certified copy of the Soil Sampling Report.

3.5.4 Cumulative Impact Analysis. In the event of positive sampling results of the regulated or banned pesticides as per U.S. 40 CFR, and California Proposition 65, Cancer Causing Agents, that are equal to or above the reportable limits, for residential developments, shall be removed from the site via a Manifest and transported to a licensed Treatment Storage and Disposal Facility, for treatment and disposal.

- *Again, The ECC is requesting that ALL CONTAMINATED SOILS shall be REMOVED from the site and shall not be buried or encapsulated on site whether or not the Townhomes Project is constructed.*
- *The ECC believes the Lennar Draft Scoping EIR (Geocon) did not address the Hazards and Hazardous Materials concerns as identified and discussed herein and therefore the responses are deemed inadequate. The Phase one ESA personnel were unaware of the 1998 to 2010 agricultural operations. No soil sampling or a lab analysis was conducted by Geocon. Therefore, the Phase One ESA needs to be reconduted and soil samples taken as per the Department Of Toxic Substances Control (DTSC) Interim Guidance for Sampling Agricultural Properties (3rd Rev) August 2008. A minimum of four (4) bore samplings shall be taken per acre. A total number of required samples shall be not less than eight (8). Sampling depth shall be 6 inches. Samples shall be analyzed at a California Certified Laboratory. The chemicals of concern are: arsenic, Organo Chlorine Phosphates (OCPs) , e.g., DDT, toxaphene, aldrin, dieldrin, Follow DTSC QA/QC protocol per SW-846.*
- *However, the removal of more than 60,000 CY of soil from the property will transform the property to a flattened site with maximum grade slopes of 16% to satisfy the City of Encinitas Fire Marshall to enable the Fire Department emergency vehicles to access the subdivision, therefore, the concern with Hazardous Material Contaminated soil may well be a moot issue if the project is approved.*

3.6 NOISE

3.6.1 Definition of Noise
Noise - unwanted sound.

4B-32
cont'd

4B-33

4B-34

4B-35

4B-36

4B-37

4B-38

not specifically mention that soil sampling and analysis was conducted per the Department of Toxic Substances Control (DTSC) Interim Guidance for Sampling Agricultural Properties (dated August 2008), soil sampling and analysis was conducted using standard methodologies pursuant to applicable state requirements. The commenter does not provide substantial evidence to indicate that the analysis in the EIR is inadequate. Responses 4B-32 to 4B-35 address concerns raised by the commenter relative to hazards and hazardous materials.

4B-37

Comment Summary:

The commenter indicates that if the project is approved, the issue regarding contaminated soil will be moot, since 60,000 cubic yards of soil would be removed from the site during proposed grading.

Response:

The comments provided do not raise an issue of environmental concern relative to CEQA, nor question the adequacy of the EIR. Refer to Responses 4B-30 and 4B-34, above.

4B-38

Comment Summary:

The commenter provides various definitions associated with measuring noise levels.

Response:

This comment is informational and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

- Sound pressure - small oscillatory pressure variations above and below ambient atmospheric pressure that produce the auditory sensation of sound (in N/m², where 1 Newton/meter² = 1 pascal [Pa]).
- Sound pressure level - 20 times the common logarithm of the ratio of measured sound pressure over the reference sound pressure, expressed mathematically in decibels (dB), as follows: WAS Section 9.3 Design Guidelines Page 4 of 18 Revised: 05/01/2007 Sound pressure level (dB) = 20 LOG₁₀ T Measured Sound Pressure Z; H Reference Sound Pressure -N Where the reference sound pressure = 20 micro-pascal (20 μPa).
- A-weighting - an acoustic frequency adjustment to a sound pressure level, which simulates the sensitivity of human hearing. An A-weighted sound pressure level (dBA) results from either manually or electronically applying the frequency dependent A-weighting factors.
- Noise level, sound level or overall sound level - the single number A-weighted sound pressure level as read on a sound level meter set to A-weighting. This level is also the energy sum of the A-weighted sound pressure level spectrum.
- Overall sound pressure level - the single number unweighted sound pressure level as read on a sound level meter set to linear. This level is also the energy sum of the sound pressure level spectrum.
- Leq - the equivalent continuous sound level or energy average sound level over a set period of time (usually one hour).
- TWA - the 8-hour time-weighted averaged occupational noise exposure level. 9. Octave band - the interval between two frequencies having a ratio of 2 to 1.

3.6.2 Existing Conditions. The ambient Sound Pressure Level (SPL) emanating from the Interstate-5, freeway traffic located within 200 meters from the project site. was recorded on Saturday January 8, 2022, at 3:00 PM. The average SPL recorded was 66.5 dBA with a peak SPL of 81.7 dBA. See photo of Sound Pressure Level reading at the Cannon Property Parcel A, Map, location. Appendices B.

**3.6.3 Regulatory Framework
Federal**

A proximity to major roadways estimates the percentage of people who live within 200 meters, or approximately 650 feet, of a high traffic roadway that carries over 125,000 vehicles per day. Data on the location of roads and traffic levels come from the 2011 National Transportation Atlas Database; data on population come from the 2010 Census.

- **Transportation and Health Connection.** According to CDC, more than 11 million people in the United States live within 150 meters (or approximately 500 feet) from a major highway (Boehmer et al., 2013). The vehicle traffic on these roadways is a major source of noise and air pollutants, such as particulate matter, nitrogen oxides, carbon monoxide, and ozone, which are known health hazards (U.S. EPA, 2010a, b, 2009, 2008).

4B-38
cont'd

4B-39

4B-40

4B-39

Comment Summary:

The commenter indicates that the average ambient Sound Pressure Level (SPL) recorded within the project vicinity of I-5 traffic was 66.5 dBA with a peak SPL of 81.7 dBA based on measurements taken in January 2022.

Response:

This comment does not raise a specific environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. As indicated in EIR Appendix J, sound measurements were taken by to document ambient noise levels in the project vicinity and are considered representative of typical sound levels for the area. No further response is required.

4B-40

Comment Summary:

The commenter provides summaries of federal, state, and local regulations and information from various studies related to noise.

Response:

The comments provided do not raise an environmental concern pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. As shown in EIR Section 3.8, Noise, noise levels at the property lines were evaluated for the construction and operational scenarios to ensure that the project does not exceed the City’s adopted exterior noise level thresholds. Mitigation measure NOI-1 would be implemented to reduce construction noise levels to a level of less than significant.

Preface and Responses to Comments

- Specifically, exposure to traffic-related pollution is linked to asthma and other respiratory symptoms, development of childhood asthma, and cardiovascular disease and death (National Heart, Lung, and Blood Institute National Asthma Education and Prevention Program, 2007; Health Effects Institute, 2010).
- For example, one study estimated that 8% of childhood asthma cases in Los Angeles County, California, could be partly attributed to living close to a major road (Perez et al., 2012). Living near a major road also has been associated with decreased lung function in adults with asthma (Balme et al., 2009). Increasing the distance from the road to more than 150 meters, or approximately 500 feet, might decrease concentrations of some air pollutants by at least 50% (Karner et al., 2010).
- Also, research has demonstrated that traffic noise at normal urban levels can also lead to stress and sleep disturbances, both of which can lead to a higher risk for type 2 diabetes (Sørensen et al, 2013).
- **Moving Forward Program.** This indicator may help inform how future roadways are designed and influence future land use development and land use policies affecting the environment near roadways. Shifting land use patterns and investing in strategies that increase air quality might lead to improved health outcomes.
- One Los Angeles County-based study estimated that a 20% reduction in regional air pollution and a 3.6% decrease in population living near major roadways would result in 5,900 fewer cases of asthma caused by near-roadway pollution exposure (Perez et al., 2012).
- Transportation officials can also use the information from this indicator to consider air pollution mitigation strategies, including using vegetative buffers or sound walls to dilute traffic emission concentrations in the near roadway environment (U.S. EPA, 2015; Baldauf et al., 2008).

4B-40
cont'd

References

Baldauf R, Thoma E, Khlystov A. Impacts of noise barriers on/near-road air quality. Atmospheric Environment 2008;42:7502
<http://www.sciencedirect.com/science/article/pii/S1352231008005311>.
 Balme JR; Earnest G, Katz PP; Yelin EH; Eisner MD; Chen H; Trupin L; Lurmann F, Blanc PD. Exposure to traffic: Lung fun.

State

- **California Noise Control Act of 1973.** California Health and Safety Code Sections 46000 through 46080, known as the California Noise Control Act, find that excessive noise is a serious hazard to public health and welfare and that exposure to certain levels of noise can result in physiological, psychological, and economic damage. The act also finds that there is a continuous and increasing bombardment of noise in urban, suburban, and rural areas. The act declares that the State of California has a responsibility to protect the health and welfare of its citizens by the control, prevention, and abatement of noise. It is the state’s policy to provide an environment for all Californians that is free from noise that jeopardizes their health or welfare.

Local

- **City of Encinitas General Plan.** The City of Encinitas General Plan is the primary source of long-ranged planning and policy direction used to guide growth and preserve the quality of life within the City of Encinitas. The Encinitas General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses within the community. The relevant goals for the project include:
GOAL 1: Provide an acceptable noise environment for existing and future residents of the City of Encinitas.
Policy 1.7: Apply Title 24 of the California Administrative Code, associated with noise insulation standards, to single-family dwellings.
GOAL 2: Require that new development be designed to provide acceptable indoor and outdoor noise environments.
Policy 2.1: The Noise and Land Use Compatibility Guidelines and the accompanying discussion set forth the criteria for siting new development in the City of Encinitas. Any project which would be located in a normally unacceptable noise exposure area, based on the Land Use Compatibility Guidelines, shall require an acoustical analysis. Noise mitigation in the future shall be incorporated in the project as needed. As a condition of approval of a project, the City may require post-construction noise monitoring and sign off by an acoustician to ensure that City requirements have been met.
GOAL 3: Ensure that residents are protected from harmful and irritating noise sources to the greatest extent possible.
Policy 3.1: The City will adopt and enforce a quantitative noise ordinance to resolve neighborhood conflicts and to control unnecessary noise in the City of Encinitas. Examples of the types of noise sources that can be controlled through the use of a quantitative noise ordinance are barking dogs, noisy mechanical equipment such as swimming pool and hot tub pumps, amplified music in commercial establishments, etc.
GOAL 4: Provide for measures to reduce noise impacts from stationary noise sources.
Policy 4.1: Ensure inclusion of noise mitigation measures in the design and operation of new and existing development.
- **City of Encinitas Municipal Code.** The City's Municipal Code establishes noise criteria to prevent noise and vibration that may jeopardize the health or welfare of the City's citizens or degrade their quality of life.
Chapter 9.32 Noise Abatement and Control Ordinance, and Chapter 30.40, Performance Standards, establish property line noise level limits. These limits apply to existing uses, but will also apply to future uses and are used for evaluating potential impacts of future on-site generated noise levels.
Chapter 9.32.410 states that it shall be unlawful for any person, including the City, to operate construction equipment at any construction site on Sundays, and days appointed by the President, Governor or the City Council for a public fast, thanksgiving or holiday. Notwithstanding the above, a person may operate construction equipment on the above-specified days between the hours of 10:00 a.m. and 5:00 p.m. No such equipment, or combination of equipment regardless of age or date of acquisition, shall be operated so as to cause noise at a level in excess of 75 decibels for more than eight hours during any 24-hour period when measured at or within the property lines of any property which is developed and used either in part or in whole for residential purposes.

4B-40
cont'd

Preface and Responses to Comments

- The permissible property line noise limits are summarized in Table 3.8-2. As stated in the Municipal Code: Every use shall be so operated that the noise generated does not exceed the following levels at or beyond the lot line and does not exceed the limits of any adjacent zone. Monitoring of the specific noise levels at the east property lines shall be conducted by the Developer and submit their findings to the City for evaluation and action as required to meet compliance. Said action shall be the responsibility of the Developer to the satisfaction of the community.

TABLE 3.6.3 CITY OF ENCINITAS EXTERIOR NOISE LIMITS

Adjacent Zone	Noise Level [dB(A)]	
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Rural Residential (RR), Rural Residential-1 (RR-1), Rural Residential-2 (RR-2), Residential-3 (R-3), Residential-5 (R-5), Residential-8 (R-8)	50	45
Residential-11 (R-11), Residential Single Family-11 (RS-11), Residential-15 (R-15), Residential-20 (R-20), Residential-25 (R-25), Mobile Home Park (MHP)	55	50
Office Professional (OP), Limited Local Commercial (LLC), Local Commercial (LC), General Commercial (GC), Limited Visitor Serving Commercial (L-VSC), Visitor Serving Commercial (VSC)	60	55
Light Industrial (L-I), Business Park (BP)	60	55

3.6.4 Analysis of Project Effects and Determination as to significance The ECC does not see the necessity of a Swimming Pool/Spa and operating equipment that will generate noise pollution day and night via its use, into the community. The ECC suggests instead, a water element, such as a fountain, waterfall, complete with a compact park/meeting area for the residents/families to enjoy as an enhanced amenity without traveling outside the confines of the *Piraeus Point Townhomes*.

- Considerable sound energy absorbing construction material(s), e.g., doors, windows, sound transmission class (STC) rated exterior walls and condominium orientation may be required to attenuate the uncomfortable/disturbing noise (sound energy) to a level acceptable to the residents of *Piraeus Point Townhomes* and compliance with the City of Encinitas EMC residential sound ordinance.
- Swimming Pool: If constructed, any and all sounds generated even after construction will travel in an easterly direction to the existing residential community, where most of the affected neighborhoods are located. The incorporation of sound absorbent type construction materials, i.e., means and methods, will most likely be required, for compliance.

3.6.5 Cumulative Impact Analysis

4B-40
cont'd

4B-41

4B-42

4B-41

Comment Summary:

The commenter asserts that there is not a need for the proposed on-site swimming pool and spa which would result in noise pollution affecting the surrounding community. The commenter also asserts that various development features (use of sound absorbing materials) may be required as part of the project to ensure that noise levels experienced by project residents and other area residents comply with the City’s Municipal Code noise level limits.

Response:

Please refer to Master Response 3.

Exposure of persons to, or generation of, noise levels in excess of Federal and State standards established in the local general plan or noise ordinance, or applicable standards of other agencies, shall be attenuated.

Exposure of persons to, or generation of, excessive ground borne vibration or ground borne noise levels, shall be attenuated.

A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project is an extreme annoyance and a significant factor.

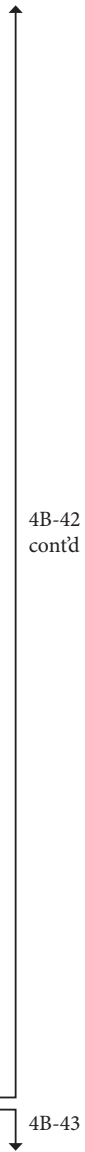
The geographic extent of the cumulative setting for noise consists of the project site and its location to the I-5 Interstate Freeway, within 200 meters. Ambient noise levels in the project area are generated by vehicle traffic on Piraeus Street, Plato Place and the I-5 Interstate Freeway. As a result, the primary factor for cumulative noise impact analysis is the consideration of future traffic noise levels along area roadways. Cumulative noise impacts would occur primarily as a result of increased traffic created by this proposed project of more than 980 vehicle trips per day.

When two identical sources (S1 = 80 dB and S2 = 80 dB) each are producing identical SPL, The sound intensity of S1 and S2 are combined via log 10 formula/calculation to obtain a sound intensity value. The sound intensity value is converted back to dBA via log 10 formula/calculations to obtain 83.1 dB. This value indicates that adding two unrelated sounds of the same intensity together is equivalent to a 3 dB increase in the total SPL

With regard to traffic noise intensity, traffic volumes would need to increase in volume order to provide to the receiver a perceptible change in ambient noise levels. As cumulative traffic volumes increase the SPL also increases proportionally, e.g., an approximately 27 percent increase in I-5 traffic volume, will also generate a significant cumulative noise impact as expected from the I-5 Interstate freeway as the traffic builds up say 5:00 AM (early hours) to its highest peak in the afternoon as normally expected. Accordingly, the project's estimated 1,980 MVT is a cumulatively significant factor.

- *The Lemnar Draft Scoping EIR addresses the Noise concerns towards the requirement of construction materials to provide an increase sound attenuation and absorbance by requiring wood framing and thicker drywall materials to provide high STC rating of the perimeter wall constructions including doors and windows as identified herein and therefore the responses are deemed adequate for construction. Airbourne noise emanating from the Interstate -5 Freeway is a detriment of the transportation corridor. The EIR recommends the installation of glass sound walls, fencing in and around the perimeters of the roof top "yards/decks" or recreational patios, at a height of 5 feet above the roof surface to deflect the high sound levels from reaching the "Seated" occupants.*
- *The proposed swimming pool area will also have perimeter sound barriers of an unknown material to reduce or deflect the freeway noise levels.*
- *It is to be noted that the Heat Pump/AC units will be roof mounted and will contribute to the noise and vibration levels within the Townhome structures located above the sleeping areas and adjacent Townhome Units.*

3.7 PUBLIC SERVICES and FACILITIES



4B-42

Comment Summary:

The commenter provides general statements on exposure to noise levels and asserts that the project's cumulative setting for noise is an approximate 200-meter radius from I-5, including local roads within the project vicinity. The commenter asserts that the project's contribution of "980 vehicle trips per day" is a cumulatively significant factor when considering noise impacts. The commenter that the rooftop heat pump/AC units will contribute to noise and vibration levels within the residences.

Response:

Please refer to Master Response 3. An interior noise assessment is required per City ordinance and will be completed once final architectural plans are available and prior to issuance of the first building permit.

As indicated in EIR Section 4.12, Transportation, the project would generate an estimated 894 ADT, based on trip generation rates (6 average daily trips/unit) derived from SANDAG's (Not So Brief Guide of Vehicular Traffic Generation Rates in the San Diego Region, dated April 2002 (see EIR Appendix K). The trip generation calculated for the project is considered to be an accurate representation of vehicle trips added to the local circulation system by the proposed development. The commenter does not provide a source to substantiate how the project would generate 1,980+/- ADT.

Additionally, as described in Section 3.10, Noise, of the EIR, noise level changes greater than 3 dBA are often identifiable as audibly louder by the average resident, while changes less than 1 dBA will not be discernible. As such, increases greater than 3 dBA are considered potentially significant. Typically, a direct project impact requires that a project double (or add 100%) existing traffic volumes, or otherwise substantially contribute to existing traffic volumes, in order to increase noise levels by 3 dBA L_{dn}. Based on the estimated number of ADT generated, the project would not cause a doubling in traffic volumes along any area roadways, or otherwise substantially increase area traffic volumes, which would contribute to a 3 dBA L_{dn} increase in noise levels.

Preface and Responses to Comments

3.7.1 Existing Conditions. Without guarded crosswalks or stop signs at intersections, the ability of the children to walk to school safely is a most serious issue that the City of Encinitas has thus far, failed to address.

3.7.2 Regulatory Framework. Safe Routes to School (SRTS) programs are in place with the U.S. Government U.S. Centers for Disease Control and Prevention through the American Recovery and Reinvestment Act 2010 -2012. Other sources of funding Federal SRTS Grants are available. The

- State of California receives the U.S. Government SRTS Grant funds and provides those funds to the counties applying for them. The San Diego Association of Governments (SANDAG) provides funds to the 16 cities in San Diego County, including Encinitas. The city of Encinitas however has installed “traffic calming measures”, i.e., rubber speed bumps. The installation of speed bumps is a far cry from the intent of the U.S. CDC SRTS program. The County of San Diego Health and Human Services Agency (HHSA) Healthy Works Program has a Plan organized around three (3) focal points.
 - a. Existing Issues and Opportunities
 - b. Existing Safe Routes to School Efforts, and
 - c. Moving Forward – A Regional Safe Route to School Strategy

3.7.3 Analysis of Project Effects and Determination as to significance. Presently it is very dangerous and hazardous for children living in the existing residential community to walk to Capri Elementary School, a Grade K-6 school. The reason for these conditions is the absence of sidewalks, controlled crosswalks, street lighting and stop signs. Notwithstanding the ability of handicap students from accessing Capri School via the SRTS, programs.

- Further, the Encinitas School District does not provide transportation services for the 740 Capri Elementary School, students, nor guarded crosswalks for those students who prefer to walk to school.
- The construction of the *Piraeus Point Townhomes* will without a doubt exacerbate the current “Safe Route to School” issue(s). The total lack of the City of Encinitas to provide for a meaningful SRTS program is a quantifiable negative significance per CEQA.

3.7.4 Cumulative Impact Analysis. The ECC suggests a small private transit bus be provided by *Piraeus Point Townhomes* Homeowner’s Association in perpetuity, to pick up and drop off the resident children to comply with the U.S. Government and SANDAG SRTS program

- This type of private transit vehicle for school children (K-6) service has been initiated for the Fox Pointe Development project, located in the City of Encinitas.
- It is to be noted that Capri School is at 95% capacity, whereas it is most likely that K-6 students will have to be transported to other K-6 public schools in the Encinitas Unified School District. This requirement will add to the residents transportations costs, increase vehicle trips per day and exacerbate the current Air Quality contaminant pollution issues in the community.
- Complete Streets Concept, Policies and Practices need to be considered in order to seriously consider the intent of the SRTS Programs. Complete Streets may vary significantly between

4B-43
cont'd

An interior noise assessment is required per City ordinance and will be completed once final architectural plans are available and prior to issuance of the first building permit.

4B-43

Comment Summary:

4B-44

The commenter asserts that without guarded crosswalks or stop signs at intersections the ability of children to walk to school safely is an issue that the City has failed to addressed.

Response:

This comment does not address elements specific to the proposed project, nor does it raise concern as to the adequacy of the EIR. No further response is required.

4B-45

4B-44

Comment Summary:

The commenter provides an overview of the Safe Routes to School (SRTS) program, SRTS measures implemented in the City, and the focal points of the County of San Diego Health and Human Services Agency Healthy Works Program.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-46

4B-47

4B-48

4B-45

Comment Summary:

The commenter indicates that existing conditions pose safety issues for children walking to Capri Elementary School. The comment asserts that the City’s not providing a SRTS program represents “a quantifiable negative significance per CEQA.”

Response:

Please refer to Master Response 1.

3.7.1 Existing Conditions. Without guarded crosswalks or stop signs at intersections, the ability of the children to walk to school safely is a most serious issue that the City of Encinitas has thus far, failed to address.

3.7.2 Regulatory Framework. Safe Routes to School (SRTS) programs are in place with the U.S. Government U.S. Centers for Disease Control and Prevention through the American Recovery and Reinvestment Act 2010 -2012. Other sources of funding Federal SRTS Grants are available. The

- State of California receives the U.S. Government SRTS Grant funds and provides those funds to the counties applying for them. The San Diego Association of Governments (SANDAG) provides funds to the 16 cities in San Diego County, including Encinitas. The city of Encinitas however has installed “traffic calming measures”, i.e., rubber speed bumps. The installation of speed bumps is a far cry from the intent of the U.S. CDC SRTS program. The County of San Diego Health and Human Services Agency (HHSA) Healthy Works Program has a Plan organized around three (3) focal points.

- Existing Issues and Opportunities
- Existing Safe Routes to School Efforts, and
- Moving Forward – A Regional Safe Route to School Strategy

3.7.3 Analysis of Project Effects and Determination as to significance. Presently it is very dangerous and hazardous for children living in the existing residential community to walk to Capri Elementary School, a Grade K-6 school. The reason for these conditions is the absence of sidewalks, controlled crosswalks, street lighting and stop signs. Notwithstanding the ability of handicap students from accessing Capri School via the SRTS, programs.

- Further, the Encinitas School District does not provide transportation services for the 740 Capri Elementary School, students, nor guarded crosswalks for those students who prefer to walk to school.
- The construction of the *Piraeus Point Townhomes* will without a doubt exacerbate the current “Safe Route to School” issue(s). The total lack of the City of Encinitas to provide for a meaningful SRTS program is a quantifiable negative significance per CEQA.

3.7.4 Cumulative Impact Analysis. The ECC suggests a small private transit bus be provided by *Piraeus Point Townhomes* Homeowner’s Association in perpetuity, to pick up and drop off the resident children to comply with the U.S. Government and SANDAG SRTS program

- This type of private transit vehicle for school children (K-6) service has been initiated for the Fox Pointe Development project, located in the City of Encinitas.
- It is to be noted that Capri School is at 95% capacity, whereas it is most likely that K-6 students will have to be transported to other K-6 public schools in the Encinitas Unified School District. This requirement will add to the residents transportations costs, increase vehicle trips per day and exacerbate the current Air Quality contaminant pollution issues in the community.
- Complete Streets Concept, Policies and Practices need to be considered in order to seriously consider the intent of the SRTS Programs. Complete Streets may vary significantly between

4B-43
cont'd

4B-46

Comment Summary:

The commenter asserts that, to comply with federal requirements and SANDAG’s SRTS program, a private transit bus should be provided by the project’s Homeowner’s Association to pick up and drop off schoolchildren who reside at the project site.

Response:

Refer to Master Response 1. This comment does not raise a specific environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-44

4B-47

Comment Summary:

The commenter states that Capri Elementary School is at 95 percent capacity and would therefore require schoolchildren (from the proposed project) to attend other K-6 schools in the Encinitas Unified School District. The commenter asserts that this condition would increase residents’ transportation costs, increase daily vehicle trips, and exacerbate existing air quality issues in the community.

Response:

Please refer to Master Responses 1 and 2.

4B-45

4B-46

4B-47

4B-48

Comment Summary:

The commenter asserts that the “Complete Streets Concept, Policies, and Practices need to be considered” to reflect the intent of SRTS programs, and that the City should modify policies regarding the transportation system.

Response:

Refer to Master Response 1. The comments provided do not raise an environmental concern pursuant to the provisions of CEQA, nor do they specifically address the adequacy of the EIR. No further response is required.

4B-48

Preface and Responses to Comments

urban, suburban and rural contexts but all are designed to balance safety and convenience for everyone using the road. By modifying polices so that the transportation system includes the needs of people on foot, those with disabilities, public transportation and bicycles, the City of Encinitas shall provide more options for people in the community. Making these options more convenient, attractive and safe allows people to choose their preferred mode of travel rather than going straight to their automobiles. Ref. California SRTS State Network Complete Streets Action Team. National Complete Streets Coalition.

3.8 Transportation and Circulation

3.8.1 Existing Conditions. The Developer shall work with Caltrans to open Piraeus Street at the south end intersection onto Leucadia Blvd., for ingress and egress of traffic. Caltrans stated in 1989 when closing the south bound Piraeus Street traffic to Leucadia Blvd., it would only be reopened if supporting data were provided. Since closure, the residential roads have seen a dramatic increase in traffic warranting the City to install “Traffic Calming Measures” i.e., speed bumps, based on citizen complaints.

3.8.2 Regulatory Framework. Apply San Diego County Traffic and Circulations Guidelines. There shall be no vehicle ingress or egress onto Plato Place from this project. Exception: SDG&E existing 16ft. recorded easement access via Plato Place and the use by emergency vehicle(s)..

3.8.3 Analysis of Project Effects and Determination as to Significance. Should 149 *Piraeus Point Townhomes* be constructed to allow additional vehicle traffic onto Piraeus Street, causing extreme congestion along Piraeus Street.

3.8.3.1 The 1,980 +/- daily vehicle trips (see below) will dramatically increase the “cut-through” traffic to the detriment of the existing residential community, specifically Normandy Road. As noted, it is again requested that Lennar Homes (who coincidentally constructed approximately 30 single family homes on Normandy Road 8-years ago) can provide expertise and knowledge towards this (Caltrans-City of Encinitas) important Leucadia Blvd., reopening issue.

- It is to be noted that since 6,345 10 CY dump Trucks will travel north to the intersection of Piraeus Street and La Costa Avenue over a period of 10 months or more the local resident traffic will avoid ALL construction routes and therefore will travel south to access Leucadia Blvd., via Normandy and/or other lateral streets thereby adding to increased vehicle traffic..

3.8.4 Cumulative Impact Analysis. Additionally, the number of daily vehicles trip from the *Piraeus Point Townhomes* project will be 300 vehicles multiplied by a factor of six (6) equals 1,800 +/- vehicle daily trips.

- An allowance factor for service vehicles will also increase and exacerbate the traffic volume issue on Piraeus Street by a factor of 1.1 +/- for an estimated total of 1,980 daily vehicle trips. This increase in vehicle traffic from *Piraeus Point Townhomes* will seriously impact the intersections of Piraeus Street and La Costa Avenue resulting in a Level of Service (LOS) of a F-Rating. The intersections of Plato Place, Olympus Road, Sparta Road and Normandy Road will also be impacted.
- Traffic interference will occur from *Piraeus Point Townhomes* vehicles entering Piraeus Street to travel south along Piraeus Street. Those vehicles traveling south to Normandy

4B-48
cont'd

4B-49

4B-50

4B-51

4B-52

4B-53

4B-49

Comment Summary:

The commenter asserts that the developer shall work with Caltrans to reopen the southern end of Piraeus Street. The comment indicates that the road closure resulted in dramatic increases to traffic levels on residential roads, which warranted the City to install various “Traffic Calming Measures” based on citizen complaints.

Response:

Please refer to Master Response 1. This comment does not address elements of the proposed project, nor does it address the adequacy of the EIR. No further response is required.

4B-50

Comment Summary:

The commenter asserts that the developer shall apply San Diego County Traffic and Circulations Guidelines and that ingress/egress should not be provided to/from the project site along Plato Place (with exception of that for emergency vehicle use).

Response:

Please refer to Master Response 1. The project as designed does not propose resident access along Plato Place; such ingress/egress would be reserved for emergency vehicle use only. All circulation and access improvements would be designed and constructed in conformance with applicable City of Encinitas engineering requirements.

4B-51

Comment Summary:

The commenter asserts that “extreme” traffic congestion would occur along Piraeus Street as a result project implementation.

Response:

Please refer to Master Response 1.

urban, suburban and rural contexts but all are designed to balance safety and convenience for everyone using the road. By modifying polices so that the transportation system includes the needs of people on foot, those with disabilities, public transportation and bicycles, the City of Encinitas shall provide more options for people in the community. Making these options more convenient, attractive and safe allows people to choose their preferred mode of travel rather than going straight to their automobiles. Ref. California SRTS State Network Complete Streets Action Team. National Complete Streets Coalition.

3.8 Transportation and Circulation

3.8.1 Existing Conditions. The Developer shall work with Caltrans to open Piraeus Street at the south end intersection onto Leucadia Blvd., for ingress and egress of traffic. Caltrans stated in 1989 when closing the south bound Piraeus Street traffic to Leucadia Blvd., it would only be reopened if supporting data were provided. Since closure, the residential roads have seen a dramatic increase in traffic warranting the City to install “Traffic Calming Measures” i.e., speed bumps, based on citizen complaints.

3.8.2 Regulatory Framework. Apply San Diego County Traffic and Circulations Guidelines. There shall be no vehicle ingress or egress onto Plato Place from this project. Exception: SDG&E existing 16ft. recorded easement access via Plato Place and the use by emergency vehicle(s).

3.8.3 Analysis of Project Effects and Determination as to Significance. Should 149 *Piraeus Point Townhomes* be constructed to allow additional vehicle traffic onto Piraeus Street, causing extreme congestion along Piraeus Street.

3.8.3.1 The 1,980 +/- daily vehicle trips (see below) will dramatically increase the “cut-through” traffic to the detriment of the existing residential community, specifically Normandy Road. As noted, it is again requested that Lennar Homes (who coincidentally constructed approximately 30 single family homes on Normandy Road 8-years ago) can provide expertise and knowledge towards this (Caltrans-City of Encinitas) important Leucadia Blvd., reopening issue.

- It is to be noted that since 6,345 10 CY dump Trucks will travel north to the intersection of Piraeus Street and La Costa Avenue over a period of 10 months or more the local resident traffic will avoid ALL construction routes and therefore will travel south to access Leucadia Blvd., via Normandy and/or other lateral streets thereby adding to increased vehicle traffic..

3.8.4 Cumulative Impact Analysis. Additionally, the number of daily vehicles trip from the *Piraeus Point Townhomes* project will be 300 vehicles multiplied by a factor of six (6) equals 1,800 +/- vehicle daily trips.

- An allowance factor for service vehicles will also increase and exacerbate the traffic volume issue on Piraeus Street by a factor of 1.1 +/- for an estimated total of 1,980 daily vehicle trips. This increase in vehicle traffic from *Piraeus Point Townhomes* will seriously impact the intersections of Piraeus Street and La Costa Avenue resulting in a Level of Service (LOS) of a F-Rating. The intersections of Plato Place, Olympus Road, Sparta Road and Normandy Road will also be impacted.
- Traffic interference will occur from *Piraeus Point Townhomes* vehicles entering Piraeus Street to travel south along Piraeus Street. Those vehicles traveling south to Normandy

4B-48
cont'd

4B-49

4B-50

4B-51

4B-52

4B-53

4B-52

Comment Summary:

The commenter asserts that the 1,980+/- vehicle daily trips generated by the project would increase “cut-through” traffic that would negatively impact the surrounding community, particularly at Normandy Road. The commenter requests that the project applicant provide information pertaining to the reopening of Leucadia Boulevard. The commenter also asserts that local residents would avoid all construction routes during the project construction period, thereby resulting in increased traffic on Normandy Road and other local streets.

Response:

Please refer to Master Response 1.

4B-53

Comment Summary:

The commenter asserts that the project would generate approximately 1,800 vehicle daily trips. The commenter explains that the estimated number of project vehicle trips would increase to approximately 1,980 when accounting for service vehicles. The commenter asserts that the project would negatively impact the intersections of Piraeus Street and La Costa Avenue as well as those at Plato Place, Olympus Road, Sparta Road, and Normandy Road and that vehicles from the project site traveling on Piraeus Street south towards Normandy Road would interfere with northbound vehicles from Leucadia Boulevard. The commenter also asserts that project traffic along Piraeus Street would create congestion at the La Costa Avenue intersection causing delays and contributing to increased pollutant emissions at the intersection that may in turn affect Batiquitos Lagoon. The commenter also asserts that dump trucks associated with project construction would contribute diesel engine particulates that would further contaminate the lagoon.

Response:

Please refer to Master Response 1. As indicated in EIR Section 4.12, Transportation, of the EIR, the project would generate an estimated 894 ADT, based on trip generation rates (6 average daily trips/unit) derived

Preface and Responses to Comments

Road will interfere with northbound vehicles from Leucadia Blvd. Normandy Road is the only easterly route for vehicles to access Leucadia Blvd, which provides access to I-5 south. As noted, access to Leucadia Blvd., is blocked from Piraeus Street.

- Traffic interference will occur from *Piraeus Point Townhomes* vehicles entering Piraeus Street to travel north to La Costa Avenue. This vehicle traffic increase will seriously impact the intersection of Piraeus Street and La Costa Avenue and create congestion. Synchronizing the three (3) way signals serving both eastbound and westbound traffic on La Costa Avenue will also cause and create delays at the three (3) locations. Currently the traffic on Piraeus has a lower signal (Green) duration time permitting 7 vehicles to enter the intersection. With an increase of hundreds of vehicles north bound to access I-5 north and south the delays will be horrendous, frustrating and potentially dangerous. Traffic entering Piraeus Street from Sky Loft Road to either travel south or north will be impacted severely by the huge line of vehicles waiting in line to get through the Piraeus Street and La Costa Avenue intersection. The impact of vehicle congestion will also increase the emission pollutants, of benzene, carbon monoxide, particulate matter at this intersection. The prevailing wind is from the SW to the NE. The recipient of these air borne pollutants is Batiquitos Lagoon, contiguous with La Costa Avenue, where significant reportable toxic pollutants of Poly Aromatic Hydrocarbons (PAH) are present in the water and benthic layer as per the December 9, 2021, water sampling analysis. The 6,345 10 CY dump trucks, as noted, will seriously impact further the diesel engine particulates entering the air and settling into Batiquitos Lagoon, further contaminating the Lagoon.

The ECC believes the Lennar Draft Scoping EIR does not address The Public Services and Facilities concerns as identified herein and therefore the responses are deemed inadequate. The Safe Route to School is a significant issue and shall be addressed.

3.9 UTILITIES and SERVICE SYSTEMS

Existing Conditions. This section discusses the proposed project relative to utilities and service systems, comprising wastewater, water, stormwater,

3.9.1 Wastewater. The ECC concern is the current and future capacity of the existing 70-year old 8-inch VCP gravity sewer line owned and operated by Leucadia Water District (LWD). The Piraeus Street wastewater/sewer line serves the community.

- The Piraeus Street 8-inch diameter VCP gravity wastewater/sewer line flows from Leucadia Blvd., (south point of beginning) to La Costa Avenue (north) and connects to an existing 12-inch gravity flow sewer line. The Piraeus Street 8-inch gravity sewer line enters a manhole north of Sky Loft Road. This manhole known as the Sky Loft manhole also receives waste water flows from an existing 12-inch gravity sewer line located vicinity of Sheridan Road on La Costa Avenue west of I-5, which flows east to I-5 then flows south parallel to I-5 then flows easterly under I-5 to the Sky Loft manhole. A 12-inch VCP gravity sewer line flows north from the Sky Loft Manhole to La Costa Avenue and flows east to a pump station.
- Per the 1968 LWD Civil Plans, a 12-inch forced main flows from the pump station(s) east to west along La Costa Avenue to Piraeus Street and follows the route of the 12-inch gravity sewer line, as noted. The 12-inch forced main is routed around the perimeter of Batiquitos

4B-53
cont'd

4B-54

4B-55

4B-56

from SANDAG’s (Not So Brief Guide of Vehicular Traffic Generation Rates in the San Diego Region, dated April 2002 (see EIR Appendix K). The trip generation calculated for the project is considered to be an accurate representation of vehicle trips added to the local circulation system by the proposed development. The commenter does not provide a source to substantiate how the project would generate 1,980+/- ADT.

Additionally, project impacts relative to air quality are adequately analyzed in EIR Section 3.2, Air Quality. Project construction emissions, such as fugitive dust and heavy equipment exhaust, were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0. Based on CalEEMod estimations, emissions of criteria pollutants during construction would be below thresholds of significance for each year of construction (approximately 1.6 years) and would therefore not exceed San Diego Air Pollution Control District air quality standards; impacts would be less than significant. Based on CalEEMOD estimations, emissions generated by vehicle traffic associated with the project would also not exceed established San Diego Air Pollution Control District thresholds for pollutants of regional concern (reactive organic gases, nitrogen oxide, sulfur dioxide, coarse particulate matter, fine particulate matter, and carbon monoxide); impacts would be less than significant. No further response to the comments provided is required pursuant to CEQA.

4B-54

Comment Summary:

The commenter asserts that the EIR does not adequately address the Public Services and Facilities concerns identified and that issues relative to the SRTS are significant and should be addressed.

Response:

Please refer to Master Responses 1 and 2 and Response to Comments 4B-43 to 4B-48 pertaining to Public Services and Facilities.

4B-55

Comment Summary:

This comment indicates that subsequent comments provided pertain to utilities and service systems.

Lagoon crosses over the La Costa Avenue NCTD railroad bridge then flows north and parallel to the North Coast Hwy. 101 Batiqitos Pump Booster Station, then flows north to the Encina Wastewater Authority's (EWA) Water Pollution Control Facility in Carlsbad. **Verification is required.**

3.9.2 Analysis of Project Effects and Determination as to significance. The existing 8-inch Piraeus Street VCP gravity sewer line receives all wastewater flows from residences in the area known as "Crest Acres" east of Piraeus Street, including Capri Road, Capri Elementary School (740 students) Caudor Road, Gascony Road, Burgundy Road, Skyloft Clusters PUD, Monte Mira PUD, Olympus Road, Normandy Road, etc., and south to Leucadia Blvd.

- The proposed **Piraeus Point Townhomes** 149 Equivalent Dwelling Units (EDU's) - with a potential population of 455 or more, persons - new connections having the potential to disrupt wastewater flow. The ECC is very much concerned with the present capacity let alone discharging an additional approximately (455 persons x 75 gallons/day) equates 34,125 gallons per day into a 70 year +/- 8-inch gravity flow sewer line.

3.9.3 Cumulative Impact Analysis. Can the existing Piraeus Street 8-inch diameter VCP wastewater/sewer line receive the proposed 149 Equivalent Dwelling Units (EDU's) - with a potential population of 455 persons with - new connections without having the potential to disrupt wastewater flow?

3.9.3.1 Residents in the LWD area strongly oppose subsidizing the costs of any new sewer lines infrastructure through an increase in LWD fees due to the construction of the **Piraeus Point Townhomes**. These costs, if any, shall be reimbursed by the applicant to LWD either through connection fees or direct reimbursable capital improvement (CIP) costs.

3.9.3.2 Water.

Existing **Conditions:** The San Dieguito Water District (District) is one of two (2) water districts that serve the City of Encinitas (City), which includes the communities of Old Encinitas, New Encinitas, Leucadia, Cardiff, and Olivenhain. The District provides potable water and recycled water to approximately 38,000 customers within its service area, while Olivenhain Municipal Water District (OWMD) serves the rest of the City. The Districts water supply portfolio includes local surface water from Lake Hodges, purchased treated and raw water from the San Diego County Water Authority (SDCWA), and recycled water produced by surrounding wastewater agencies with tertiary treatment.

Projected water demand for the SDWD for all water use sectors except for agriculture were adjusted to increase proportionally with population growth. Table 3.9.3.2 shows the projected population served by the SDWD from 2020 to 2045.

TABLE 3.9.3.2 CURRENT AND PROJECTED POPULATION (Calendar Year Data)

	2020	2025	2030	2035	2040	2045
Population Served	37,856	39,208	39,653	39,800	40,240	41,246

Source: SDWD 2020

4B-56
cont'd

Response:

This comment is introductory and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-56

Comment Summary:

The commenter provides background information pertaining to existing wastewater/sewer pipelines serving the project vicinity and asserts that verification of such statements is required.

4B-57

Response:

The comments provided do not raise an environmental concern pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

4B-58

4B-57

Comment Summary:

The commenter provides background information on existing wastewater/sewer infrastructure serving the project vicinity and expresses concern over whether the system could accommodate additional flows generated be the proposed project.

4B-59

Response:

Please refer to Master Response 2.

4B-60

4B-58

Comment Summary:

The commenter questions whether the existing 8-inch diameter VCP wastewater/sewer line in Piraeus Street can adequately receive the project's new connections without resulting in potential disruption to wastewater flows.

Response:

Please refer to Master Response 2.

Preface and Responses to Comments

Lagoon crosses over the La Costa Avenue NCTD railroad bridge then flows north and parallel to the North Coast Hwy. 101 Baticuitos Pump Booster Station, then flows north to the Encina Wastewater Authority's (EWA) Water Pollution Control Facility in Carlsbad. **Verification is required.**

4B-56
cont'd

4B-59

Comment Summary:

The commenter asserts that residents of the LWD area oppose subsidizing costs of new sewer line infrastructure by increasing LWD fees and that such costs should be reimbursed by the project applicant to LWD.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-57

4B-58

4B-59

4B-60

4B-60

Comment Summary:

The commenter provides general background information describing current and projected future total water demand needs of the San Dieguito Water District (SDWD).

Response:

The comments provided do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

3.9.2 Analysis of Project Effects and Determination as to significance. The existing 8-inch Piraeus Street VCP gravity sewer line receives all wastewater flows from residences in the area known as "Crest Acres" east of Piraeus Street, including Capri Road, Capri Elementary School (740 students) Caudor Road, Gascony Road, Burgundy Road, Skyloft Clusters PUD, Monte Mira PUD, Olympus Road, Normandy Road, etc., and south to Leucadia Blvd.

- The proposed **Piraeus Point Townhomes** 149 Equivalent Dwelling Units (EDU's) - with a potential population of 455 or more, persons - new connections having the potential to disrupt wastewater flow. The ECC is very much concerned with the present capacity let alone discharging an additional approximately (455 persons x 75 gallons/day) equates 34,125 gallons per day into a 70 year +/- 8-inch gravity flow sewer line.

3.9.3 Cumulative Impact Analysis. Can the existing Piraeus Street 8-inch diameter VCP wastewater/sewer line receive the proposed 149 Equivalent Dwelling Units (EDU's) - with a potential population of 455 persons with - new connections without having the potential to disrupt wastewater flow?

3.9.3.1 Residents in the LWD area strongly oppose subsidizing the costs of any new sewer lines infrastructure through an increase in LWD fees due to the construction of the **Piraeus Point Townhomes**. These costs, if any, shall be reimbursed by the applicant to LWD either through connection fees or direct reimbursable capital improvement (CIP) costs.

3.9.3.2 Water.

Existing **Conditions:** The San Dieguito Water District (District) is one of two (2) water districts that serve the City of Encinitas (City), which includes the communities of Old Encinitas, New Encinitas, Leucadia, Cardiff, and Olivenhain. The District provides potable water and recycled water to approximately 38,000 customers within its service area, while Olivenhain Municipal Water District (OWMD) serves the rest of the City. The Districts water supply portfolio includes local surface water from Lake Hodges, purchased treated and raw water from the San Diego County Water Authority (SDCWA), and recycled water produced by surrounding wastewater agencies with tertiary treatment.

Projected water demand for the SDWD for all water use sectors except for agriculture were adjusted to increase proportionally with population growth. Table 3.9.3.2 shows the projected population served by the SDWD from 2020 to 2045.

TABLE 3.9.3.2 CURRENT AND PROJECTED POPULATION (Calendar Year Data)

Population Served	2020	2025	2030	2035	2040	2045
	37,856	39,208	39,653	39,800	40,240	41,246

Source: SDWD 2020

The Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single dry, and multiple dry years. Single-dry and multiple-dry year conditions were based on the SDWD's historical water use records. Table 3.9.3.3 shows the SDWD's estimated water supply projections from 2020 to the year 2045.

TABLE 3.9.3.3 TOTAL WATER DEMAND IN ACRE-FEET PER YEAR

	2020	2025	2030	2035	2040	2045
Potable and Raw Water	5,463	5,796	6,156	6,243	6,404	6,611
Recycled Water Demand	642	700	700	700	700	700
Total Water Demand	6,105	6,496	6,856	6,943	7,104	7,311

Source: SDWD 2020

3.9.3.4 Analysis of Project Effects and Determination as to significance. *The Piraeus Point Townhomes* will use an average of 75 gallons per person per day. (per the current Water Agencies Standards, Section) including the irrigation water for drought tolerant plantings and trees. Based on this capita per day usage the overall volume of water that will be consumed by this project equates to approximately 38 acre feet. This project will impact significantly the City's water resources currently three (3) years in a State wide Level 2 drought.

- **Drought Issues.** Currently a Level 2 advisory water reduction is in effect for all SDWD customers until June 10, 2023. Level 2 means each customer shall voluntarily reduce their water consumption by 10% and limit landscaping irrigation to functional use only. It appears incongruous that major residential projects that will consume more than **38 acre feet** are being considered or worse approved, while existing customers are reducing their usage due to a drought condition. At the very least a moratorium should be enacted on all construction projects during the 3rd year of a State wide drought condition.

3.9.3.5 Cumulative Impact Analysis. This project will have a significant negative impact cumulatively, to the City's water resources, i.e., SDWD and the wastewater system, i.e., LWD.

- **The ECC believes the Lennar Draft Scoping EIR does not address the Utilities and Services Facilities concerns as identified herein and therefore the responses are deemed inadequate**

3.9.3.6 STORMWATER

Existing Conditions. The project site is undeveloped vacant land and therefore any and all rainfall is absorbed by the soil to the point of saturation whereby surface water would flow on to Plato Place at the south, to Piraeus Street at the west and into the natural ravine at the north property line. Contiguous properties to the east property line surface waters may possibly flow onto the project site depending upon the grade elevations, which are variable.

The location of the project is within the Vulcan Watershed which drains to Batiquitos Lagoon via an 18-inch diameter outfall north of La Costa Avenue 200 feet east of Vulcan Rd.

4B-60
cont'd

4B-61

4B-62

4B-63

4B-64

4B-61

Comment Summary:

The commenter asserts that customers of the SDWD are currently subject to advisory water reduction measures and questions why development projects which have greater water demand needs are being approved while existing customers are having to reduce their water use. The commenter asserts that a moratorium should be enacted on all construction projects, as this is the 3rd year of a state-wide drought condition.

Response:

Please refer to Response 4A-15.

4B-62

Comment Summary:

The commenter asserts that the proposed project will have a cumulatively significant negative impact on SDWD and LWD resources.

Response:

Potential cumulative impacts of the proposed project relative to water supply and wastewater are adequately analyzed in Section 3.14, Utilities and Service Systems, of the EIR. As described in the EIR, as the project is consistent with the City's General Plan and is within the population increase anticipated by the SDWD 2020 UWMP, it is anticipated that the SDWD's existing facilities would be capable of serving the proposed 149 residential units proposed with the project. The SDWD's 2020 UWMP demonstrates that the district is planning to meet future and existing demands, which include the demand increment associated with the growth forecast.

The SDWD will incorporate the proposed project and the cumulative projects identified into their water system hydraulic model to determine potential impacts on the existing water system over time. As with the proposed project, the cumulative projects would also be required to receive a will-serve letter from the SDWD as part of the discretionary review process. The will-serve letter would indicate whether the SDWD is expected to be able to serve the project for the next 5 years. If approved, the cumulative projects would also be included within future UWMP

Preface and Responses to Comments

The Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single dry, and multiple dry years. Single-dry and multiple-dry year conditions were based on the SDWD’s historical water use records. Table 3.9.3.3 shows the SDWD’s estimated water supply projections from 2020 to the year 2045.

TABLE 3.9.3.3 TOTAL WATER DEMAND IN ACRE-FEET PER YEAR

	2020	2025	2030	2035	2040	2045
Potable and Raw Water	5,463	5,796	6,156	6,243	6,404	6,611
Recycled Water Demand	642	700	700	700	700	700
Total Water Demand	6,105	6,496	6,856	6,943	7,104	7,311

Source: SDWD 2020

3.9.3.4 Analysis of Project Effects and Determination as to significance. *The Piraeus Point Townhomes* will use an average of 75 gallons per person per day. (per the current Water Agencies Standards, Section) including the irrigation water for drought tolerant plantings and trees. Based on this capita per day usage the overall volume of water that will be consumed by this project equates to approximately 38 acre feet. This project will impact significantly the City’s water resources currently three (3) years in a State wide Level 2 drought.

- **Drought Issues.** Currently a Level 2 advisory water reduction is in effect for all SDWD customers until June 10, 2023. Level 2 means each customer shall voluntarily reduce their water consumption by 10% and limit landscaping irrigation to functional use only. It appears incongruous that major residential projects that will consume more than **38 acre feet** are being considered or worse approved, while existing customers are reducing their usage due to a drought condition. At the very least a moratorium should be enacted on all construction projects during the 3rd year of a State wide drought condition.

3.9.3.5 Cumulative Impact Analysis. This project will have a significant negative impact cumulatively, to the City’s water resources, i.e., SDWD and the wastewater system, i.e., LWD.

- **The ECC believes the Lennar Draft Scoping EIR does not address the Utilities and Services Facilities concerns as identified herein and therefore the responses are deemed inadequate**

3.9.3.6 STORMWATER

Existing Conditions. The project site is undeveloped vacant land and therefore any and all rainfall is absorbed by the soil to the point of saturation whereby surface water would flow on to Plato Place at the south, to Piraeus Street at the west and into the natural ravine at the north property line. Contiguous properties to the east property line surface waters may possibly flow onto the project site depending upon the grade elevations, which are variable.

The location of the project is within the Vulcan Watershed which drains to Batiquitos Lagoon via an 18-inch diameter outfall north of La Costa Avenue 200 feet east of Vulcan Rd.

4B-60 cont'd

4B-61

4B-62

4B-63

4B-64

updates so their water use would be considered in the evaluation of service provision for future projects. For these reasons, the project is not anticipated to contribute to a significant cumulative impact related to water supply. Cumulative impacts would be less than significant in this regard.

Furthermore, wastewater agencies anticipated to serve the project are not at capacity and have anticipated population growth in the City of Encinitas. Similar to the proposed project, cumulative projects would receive a completed a *Project Facility Availability Form* which indicates whether the affected service district is able to serve a new development as proposed. Under existing plus project conditions, no stretches of existing off-site sewer lines affected by the proposed project would exceed the City’s replacement criteria. The project would not negatively impact the existing sewer infrastructure that would serve the subject site, and existing sewer mains would meet the maximum depth and minimum velocity requirements. The Saxony Pump Station, which would accommodate wastewater flows from the project site, has sufficient capacity to pump project sewerage flows. Similarly, future cumulative projects would be required to evaluate the ability of the affected wastewater district to adequately serve proposed development and to identify any required infrastructure improvements.

As part of the discretionary approval process, cumulative projects would be required to provide on-site sewer infrastructure and pay appropriate sewer system connection fees. The City’s Public Works Department’s existing requirements would ensure that sewer facilities would be sized appropriately and that wastewater treatment requirements of the RWQCB would not be exceeded. For the reasons stated above, the project is not anticipated to contribute to a significant cumulative impact related to wastewater.

4B-63

Comment Summary:

The commenter asserts that the EIR does not adequately address the identified concerns pertaining to Utilities and Service Systems.

The Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single dry, and multiple dry years. Single-dry and multiple-dry year conditions were based on the SDWD's historical water use records. Table 3.9.3.3 shows the SDWD's estimated water supply projections from 2020 to the year 2045.

TABLE 3.9.3.3 TOTAL WATER DEMAND IN ACRE-FEET PER YEAR

	2020	2025	2030	2035	2040	2045
Potable and Raw Water	5,463	5,796	6,156	6,243	6,404	6,611
Recycled Water Demand	642	700	700	700	700	700
Total Water Demand	6,105	6,496	6,856	6,943	7,104	7,311

Source: SDWD 2020

3.9.3.4 Analysis of Project Effects and Determination as to significance. *The Piraeus Point Townhomes* will use an average of 75 gallons per person per day. (per the current Water Agencies Standards, Section) including the irrigation water for drought tolerant plantings and trees. Based on this capita per day usage the overall volume of water that will be consumed by this project equates to approximately 38 acre feet. This project will impact significantly the City's water resources currently three (3) years in a State wide Level 2 drought.

- **Drought Issues.** Currently a Level 2 advisory water reduction is in effect for all SDWD customers until June 10, 2023. Level 2 means each customer shall voluntarily reduce their water consumption by 10% and limit landscaping irrigation to functional use only. It appears incongruous that major residential projects that will consume more than **38 acre feet** are being considered or worse approved, while existing customers are reducing their usage due to a drought condition. At the very least a moratorium should be enacted on all construction projects during the 3rd year of a State wide drought condition.

3.9.3.5 Cumulative Impact Analysis. This project will have a significant negative impact cumulatively, to the City's water resources, i.e., SDWD and the wastewater system, i.e., LWD.

- **The ECC believes the Lennar Draft Scoping EIR does not address the Utilities and Services Facilities concerns as identified herein and therefor the responses are deemed inadequate**

3.9.3.6 STORMWATER

Existing Conditions. The project site is undeveloped vacant land and therefore any and all rainfall is absorbed by the soil to the point of saturation whereby surface water would flow on to Plato Place at the south, to Piraeus Street at the west and into the natural ravine at the north property line. Contiguous properties to the east property line surface waters may possibly flow onto the project site depending upon the grade elevations, which are variable.

The location of the project is within the Vulcan Watershed which drains to Batiquitos Lagoon via an 18-inch diameter outfall north of La Costa Avenue 200 feet east of Vulcan Rd.

4B-60
cont'd

4B-61

4B-62

4B-63

4B-64

Response:

Please refer to Responses 4B-56 and 4B-62 above.

4B-64

Comment Summary:

The commenter summarizes existing conditions at the project site associated with stormwater runoff/drainage.

Response:

The comments provided do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

3.9.3.7 Analysis of Project Effects and Determination as to significance. The ECC requests that the surface water discharges from *Piraeus Point Townhomes* subjected to a 2, 5, 10, 25, 50 and 100 year storm events be calculated per Civil Engineering Guidelines for coastal San Diego County and in accordance with but not limited to, California Title 24 and the City of Encinitas Municipal Code.

The *Piraeus Point Townhomes* stormwater shall be pretreated prior to being discharged to the stormwater piping system. Stormwater overflows shall be conveyed off site to an approved Best Available Control Technology (BACT) hydromodification pretreatment/retention location, possibly to the contiguous mitigation target property Parcel B.

- Currently impervious surface water runoffs flowing from Caudor Street and roads north of Capri Road flow east to west then north to south and south to north respectively, flowing onto Plato Place. The Plato Place stormwater flow is conveyed via open earth ditches, concrete channels and culverts, discharging downgradient in a westerly direction to a point of convergence. This convergence point is located south of Plato Place and east of Piraeus Street. A culvert under Piraeus Street drains the converging flows in a westerly direction and then flows north within the boundaries of the Interstate-5 Freeway through a series of RCP pipes, culverts and catch basins, to the 18-inch diameter Vulcan Outfall at Batiquitos Lagoon, as noted.
- The ECC respectfully, requests the engaged Civil Engineering Consultant determine how the noted stormwater discharge will be enhanced and conveyed including the stormwater overflow from *Piraeus Point Townhomes*. Such enhancements or modifications shall not create a condition detrimental to the existing stormwater discharges of the ECC, area, e.g., flooding.
- The ECC is aware of the use and installation of hydromodification basins, bioretention basins, stormwater storage cisterns, drywell(s) and the like. The concern is back-to-back high intensity inundation storm events that will create flooding due to the saturated soils inability to absorb additional stormwater over time, as noted. A case in point is just south of the intersection of Piraeus Street and La Costa Avenue the existing drainage area (west of Piraeus Street) presently floods during high intensity storm events. An issue that the City has failed to resolve.

3.9.4 Cumulative Impact Analysis. A peer review of the stormwater modeling/scenarios will be conducted by the ECC to verify the effectiveness of the stormwater design.

- *The ECC believes the Lennar Draft Scoping EIR addresses the Stormwater concerns as identified herein and therefor the response is deemed adequate*

4.0 PARKING ISSUES

a. There shall be no spillover or project owner or visitor parking allowed on Plato Place or Piraeus Street, as both are currently non-conforming rural roads. All cars whether residents or visitors or service delivery vehicles shall be parked on *Piraeus Point Townhomes* property only.

4B-65
4B-66
4B-67
4B-68
4B-69
4B-70
4B-71
4B-72

4B-65

Comment Summary:

The commenter requests that surface water discharges for the proposed project subjected to various classifications of storm events be calculated per Civil Engineering Guidelines for coastal San Diego County and in accordance with, but not limited to, California Title 24 and the City of Encinitas Municipal Code.

Response:

Potential project impacts relative to hydrology are addressed in Section 3.8, Hydrology and Water Quality, of the EIR. Hydrologic modeling was prepared in conformance with County of San Diego Hydrology Manual and City of Encinitas Engineering Design Manual standards. All proposed drainage improvements would be sized to accommodate a 100-year storm event; the need to calculate storm events as identified by the commenter is not supported.

4B-66

Comment Summary:

The commenter states that the project stormwater shall be pretreated prior to being discharged from the site and that stormwater overflows shall be discharged offsite to an approved Best Available Control Technology hydromodification pretreatment/retention location, possibly to contiguous Parcel B.

Response:

Please refer to Response 4A-16.

4B-67

Comment Summary:

The commenter describes existing surface water runoff drainage patterns in the project area.

3.9.3.7 Analysis of Project Effects and Determination as to significance. The ECC requests that the surface water discharges from *Piraeus Point Townhomes* subjected to a 2, 5, 10, 25, 50 and 100 year storm events be calculated per Civil Engineering Guidelines for coastal San Diego County and in accordance with but not limited to, California Title 24 and the City of Encinitas Municipal Code.

The *Piraeus Point Townhomes* stormwater shall be pretreated prior to being discharged to the stormwater piping system. Stormwater overflows shall be conveyed off site to an approved Best Available Control Technology (BACT) hydromodification pretreatment/retention location, possibly to the contiguous mitigation target property Parcel B.

- Currently impervious surface water runoffs flowing from Caudor Street and roads north of Capri Road flow east to west then north to south and south to north respectively, flowing onto Plato Place. The Plato Place stormwater flow is conveyed via open earth ditches, concrete channels and culverts, discharging downgradient in a westerly direction to a point of convergence. This convergence point is located south of Plato Place and east of Piraeus Street. A culvert under Piraeus Street drains the converging flows in a westerly direction and then flows north within the boundaries of the Interstate-5 Freeway through a series of RCP pipes, culverts and catch basins, to the 18-inch diameter Vulcan Outfall at Batiquitos Lagoon, as noted.
- The ECC respectfully, requests the engaged Civil Engineering Consultant determine how the noted stormwater discharge will be enhanced and conveyed including the stormwater overflow from *Piraeus Point Townhomes*. Such enhancements or modifications shall not create a condition detrimental to the existing stormwater discharges of the ECC, area, e.g., flooding.
- The ECC is aware of the use and installation of hydromodification basins, bioretention basins, stormwater storage cisterns, drywell(s) and the like. The concern is back-to-back high intensity inundation storm events that will create flooding due to the saturated soils inability to absorb additional stormwater over time, as noted. A case in point is just south of the intersection of Piraeus Street and La Costa Avenue the existing drainage area (west of Piraeus Street) presently floods during high intensity storm events. An issue that the City has failed to resolve.

3.9.4 Cumulative Impact Analysis. A peer review of the stormwater modeling/scenarios will be conducted by the ECC to verify the effectiveness of the stormwater design.

- *The ECC believes the Lennar Draft Scoping EIR addresses the Stormwater concerns as identified herein and therefor the response is deemed adequate*

4.0 PARKING ISSUES

a. There shall be no spillover or project owner or visitor parking allowed on Plato Place or Piraeus Street, as both are currently non-conforming rural roads. All cars whether residents or visitors or service delivery vehicles shall be parked on *Piraeus Point Townhomes* property only.

4B-65 Response:
The comments provided do not raise an environmental concern pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

4B-66 **4B-68**

4B-67 Comment Summary:
The commenter requests that the applicant’s engineer determine how stormwater discharge from the project site would be enhanced and conveyed. The commenter asserts that project enhancements or modifications are not to create detrimental effects on existing discharges in the area.

4B-68 Response:
The project proposes use of a biofiltration basin to meet treatment and flow control requirements listed in the City of Encinitas Best Management Practices (BMP) Manual for post-construction BMPs. As shown in the *Preliminary Hydrology Study* prepared for the proposed project (Appendix I-1 of the EIR), the unmitigated peak flow from the proposed onsite drainage areas would exceed or be equivalent to flows under existing conditions. To reduce flow rates, the project design includes an onsite biofiltration basin that would provide stormwater pollutant control to meet the requirements of the San Diego RWQCB municipal stormwater permit and City Stormwater standards. The biofiltration basin would also provide mitigation for the 6-hour, 100-year storm event peak discharge. Post-development flows for all proposed onsite drainage areas would be reduced as compared to pre-development conditions, and would not contribute to adverse effects on existing stormwater facilities (e.g., potential for flooding).

4B-69 **4B-69**

4B-70 Comment Summary:
The commenter states concern regarding the inability of saturated soils to absorb additional stormwater in the event of back-to-back, high intensity inundation storm events that may cause flooding. The commenter asserts that the City has failed to resolve similar conditions that occur just south of the La Costa Avenue/Piraeus Street intersection.

4B-71

4B-72

Preface and Responses to Comments

3.9.3.7 Analysis of Project Effects and Determination as to significance. The ECC requests that the surface water discharges from Piraeus Point Townhomes subjected to a 2, 5, 10, 25, 50 and 100 year storm events be calculated per Civil Engineering Guidelines for coastal San Diego County and in accordance with but not limited to, California Title 24 and the City of Encinitas Municipal Code.

The Piraeus Point Townhomes stormwater shall be pretreated prior to being discharged to the stormwater piping system. Stormwater overflows shall be conveyed off site to an approved Best Available Control Technology (BACT) hydromodification pretreatment/retention location, possibly to the contiguous mitigation target property Parcel B.

- Currently impervious surface water runoffs flowing from Caudor Street and roads north of Capri Road flow east to west then north to south and south to north respectively, flowing onto Plato Place. The Plato Place stormwater flow is conveyed via open earth ditches, concrete channels and culverts, discharging downgradient in a westerly direction to a point of convergence. This convergence point is located south of Plato Place and east of Piraeus Street. A culvert under Piraeus Street drains the converging flows in a westerly direction and then flows north within the boundaries of the Interstate-5 Freeway through a series of RCP pipes, culverts and catch basins, to the 18-inch diameter Vulcan Outfall at Batiquitos Lagoon, as noted.
- The ECC respectfully, requests the engaged Civil Engineering Consultant determine how the noted stormwater discharge will be enhanced and conveyed including the stormwater overflow from Piraeus Point Townhomes. Such enhancements or modifications shall not create a condition detrimental to the existing stormwater discharges of the ECC, area, e.g., flooding.
- The ECC is aware of the use and installation of hydromodification basins, bioretention basins, stormwater storage cisterns, drywell(s) and the like. The concern is back-to-back high intensity inundation storm events that will create flooding due to the saturated soils inability to absorb additional stormwater over time, as noted. A case in point is just south of the intersection of Piraeus Street and La Costa Avenue the existing drainage area (west of Piraeus Street) presently floods during high intensity storm events. An issue that the City has failed to resolve.

3.9.4 Cumulative Impact Analysis. A peer review of the stormwater modeling/scenarios will be conducted by the ECC to verify the effectiveness of the stormwater design.

- The ECC believes the Lennar Draft Scoping EIR addresses the Stormwater concerns as identified herein and therefor the response is deemed adequate

4.0 PARKING ISSUES

a. There shall be no spillover or project owner or visitor parking allowed on Plato Place or Piraeus Street, as both are currently non-conforming rural roads. All cars whether residents or visitors or service delivery vehicles shall be parked on Piraeus Point Townhomes property only.

4B-65

Response:
Refer to Response 4B-68, above. With incorporation of proposed site improvements and BMPs, the project would reduce stormwater flow rates for the various drainage areas of the project site. As such, the project would not substantially alter existing onsite drainage patterns and would decrease stormwater flows from the site as compared to the pre-development condition. Thus, the project as designed would not contribute to adverse effects on existing area stormwater infrastructure facilities.

4B-66

4B-70

Comment Summary:

The commenter indicates that the Encinitas Community Collective will be conducting a peer review of the stormwater modeling/scenarios.

4B-67

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-68

4B-69

4B-70

4B-71

Comment Summary:

The commenter asserts that the EIR adequately addresses the stated concerns pertaining to stormwater.

4B-71

4B-72

Response:

Refer to Responses 4B-64 to 4B-70. This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-72

Comment Summary:

The commenter asserts that all resident, guest, and service delivery parking shall occur on the project site only, and that no offsite parking shall be allowed on Plato Place or Piraeus Street.

b. In the absence of sidewalks, - where curbs if installed can normally be painted red (to alert drivers of a no parking location) - e.g., Piraeus Street, Plato Place, Caudor Street and Capri Road all shall have new “NO PARKING” signs installed by the City per the CVC.

c. The **Piraeus Point Townhomes** project has the potential for one (1) vehicle per bedroom, i.e., 306, however with 149 Condominiums and where each Condominium has a 2-car garage this equates to 298 residential vehicles. Confirmation by the developer/applicant of the actual total residential parking calculated for the condominiums, is requested.

d. Additionally, and more importantly, please identify where the Visitor Parking will be located, including service vehicles, delivery vehicles, trash collection trucks, furniture moving vans, U.S. Post Office Delivery Vans, etc.

- **The ECC believes the Lennar Draft Scoping EIR does not address the Parking concerns as identified herein and therefor the responses are deemed inadequate**

5.0. LIGHTING

a. **Lighting.** Street Lamp Poles are required per the City of Encinitas SAC Meeting Report, on Piraeus Street only for the west property line parallel to Piraeus Street. However, the ECC is requesting that there shall be no pole lamps or roof-deck lighting or lights that project light into the night sky or the surrounding community. LEUCADIA is a DARK SKIES Community because of the sensitivity and close proximity to Batiquitos Lagoon. Therefore, external lighting shall be reduced or eliminated. The ECC discussed with Mr. Brian Grover that light bollards providing pathway lighting would most likely be acceptable.

b. **Rooftop Decks.** If constructed, these would add to Light and Noise pollution – please eliminate and do not include this intrusive addition. Further, barbecues on rooftops, if allowed, are a potential fire hazard, notwithstanding the nuisance cooking odors, an Air Quality issue.

- **The ECC believes the Lennar Draft Scoping EIR addresses the Lighting and the Rooftop Decks concerns as identified herein and therefor the response is deemed adequate**

6.0 TREES and PLANTINGS

a. The ECC believes that with the following setbacks: 1) A 60-foot set back along Piraeus 2) A 15-foot set back at Plato Place 3) A 16-foot east property line setback to accommodate the existing SDG&E high voltage overhead, wooden power poles 4) A 50-foot setback - per CEQA - from the ravine at the north property line will limit the available area for the planting of the required 30 native trees per acre. The total number of required trees is 180 +/- as per the City of Encinitas Municipal Code. Compliance may not be possible. All plantings shall be native drought tolerant and non-invasive.

b. Depending on the selected species of native trees and their size at maturity, they could possibly serve as an ambient noise buffer for the residents of **Piraeus Point Townhomes**, as well as providing shading.

4B-73

Response:

Please refer to Master Response 1.

4B-74

4B-73

Comment Summary:

The commenter asserts that “NO PARKING” signs shall be installed on Piraeus Street, Plato Place, Caudor Street, and Capri Road per City regulations.

4B-75

4B-76

Response:

Please refer to Master Response 1.

4B-77

4B-74

Comment Summary:

The commenter requests confirmation by the applicant of the actual total residential parking calculated for the residences.

4B-78

4B-79

Response:

Please refer to Master Response 1.

4B-80

4B-75

Comment Summary:

The commenter requests confirmation as to where proposed visitor parking (e.g., service vehicles, delivery vehicles, etc.) would be located.

4B-81

Response:

A total of 25 outdoor shared parking spaces are proposed adjacent to the on-site pool use/common area for use by residents and their guests, as well as along the northern portion of the community. Refer to the EIR Figure 2.0-3, Conceptual Site Plan, and the improvement plan set (e.g., Condominium Tentative Map) prepared as part of the discretionary approval requirements.

Preface and Responses to Comments

b. In the absence of sidewalks, - where curbs if installed can normally be painted red (to alert drivers of a no parking location) - e.g., Piraeus Street, Plato Place, Caudor Street and Capri Road all shall have new “NO PARKING” signs installed by the City per the CVC.

c. The *Piraeus Point Townhomes* project has the potential for one (1) vehicle per bedroom, i.e., 306, however with 149 Condominiums and where each Condominium has a 2-car garage this equates to 298 residential vehicles. Confirmation by the developer/applicant of the actual total residential parking calculated for the condominiums, is requested.

d. Additionally, and more importantly, please identify where the Visitor Parking will be located, including service vehicles, delivery vehicles, trash collection trucks, furniture moving vans, U.S. Post Office Delivery Vans, etc.

• *The ECC believes the Lennar Draft Scoping EIR does not address the Parking concerns as identified herein and therefor the responses are deemed inadequate*

5.0. LIGHTING

a. **Lighting.** Street Lamp Poles are required per the City of Encinitas SAC Meeting Report, on Piraeus Street only for the west property line parallel to Piraeus Street. However, the ECC is requesting that there shall be no pole lamps or roof-deck lighting or lights that project light into the night sky or the surrounding community. LEUCADIA is a DARK SKIES Community because of the sensitivity and close proximity to Batiquitos Lagoon. Therefore, external lighting shall be reduced or eliminated. The ECC discussed with Mr. Brian Grover that light bollards providing pathway lighting would most likely be acceptable.

b. **Rooftop Decks.** If constructed, these would add to Light and Noise pollution – please eliminate and do not include this intrusive addition. Further, barbecues on rooftops, if allowed, are a potential fire hazard, notwithstanding the nuisance cooking odors, an Air Quality issue.

• *The ECC believes the Lennar Draft Scoping EIR addresses the Lighting and the Rooftop Decks concerns as identified herein and therefor the response is deemed adequate*

6.0 TREES and PLANTINGS

a. The ECC believes that with the following setbacks: 1) A 60-foot set back along Piraeus 2) A 15-foot set back at Plato Place 3) A 16-foot east property line setback to accommodate the existing SDG&E high voltage overhead, wooden power poles 4) A 50-foot setback - per CEQA - from the ravine at the north property line will limit the available area for the planting of the required 30 native trees per acre. The total number of required trees is 180 +/- as per the City of Encinitas Municipal Code. Compliance may not be possible. All plantings shall be native drought tolerant and non-invasive.

b. Depending on the selected species of native trees and their size at maturity, they could possibly serve as an ambient noise buffer for the residents of *Piraeus Point Townhomes*, as well as providing shading.

4B-73
4B-74
4B-75
4B-76
4B-77
4B-78
4B-79
4B-80
4B-81

4B-76

Comment Summary:

The commenter asserts that the stated concerns relative to parking are not adequately addressed in the EIR.

Response:

Please refer to Master Response 1 and Responses 4B-72 to 4B-75.

4B-77

Comment Summary:

The commenter asserts that installation of streetlights along the project frontage on Piraeus Street is required. The commenter requests that no lighting be installed that would project light into the night sky or the surrounding community. The commenter asserts that Leucadia is a dark skies community, in particular due to proximity to Batiquitos Lagoon, and that external lighting for the project shall be reduced or eliminated. The commenter also refers to prior conversation with the project applicant regarding the appropriateness of light bollards for onsite pathways.

Response:

Please refer to Response 4A-19.

4B-78

Comment Summary:

The commenter asserts that the proposed rooftop decks would contribute to area light and noise pollution and that the use of barbecues on rooftop decks would pose fire hazard and odor-related issues.

Response:

Please refer to Master Response 4 and Response 4A-19. The use of roof-top barbecues and safety-related concerns would be handled and maintained through the project’s homeowners association. It is assumed that residents would comply with manufacturer’s recommendations and safety procedures for personal use of barbecues to ensure that potential fire risks are minimized. Such activities do not require evaluation pursuant to CEQA. Rooftop barbecues are anticipated to be used intermittently and

b. In the absence of sidewalks, - where curbs if installed can normally be painted red (to alert drivers of a no parking location) - e.g., Piraeus Street, Plato Place, Caudor Street and Capri Road all shall have new “NO PARKING” signs installed by the City per the CVC.

c. The **Piraeus Point Townhomes** project has the potential for one (1) vehicle per bedroom, i.e., 306, however with 149 Condominiums and where each Condominium has a 2-car garage this equates to 298 residential vehicles. Confirmation by the developer/applicant of the actual total residential parking calculated for the condominiums, is requested.

d. Additionally, and more importantly, please identify where the Visitor Parking will be located, including service vehicles, delivery vehicles, trash collection trucks, furniture moving vans, U.S. Post Office Delivery Vans, etc.

- **The ECC believes the Lennar Draft Scoping EIR does not address the Parking concerns as identified herein and therefor the responses are deemed inadequate**

5.0. LIGHTING

a. **Lighting.** Street Lamp Poles are required per the City of Encinitas SAC Meeting Report, on Piraeus Street only for the west property line parallel to Piraeus Street. However, the ECC is requesting that there shall be no pole lamps or roof-deck lighting or lights that project light into the night sky or the surrounding community. LEUCADIA is a DARK SKIES Community because of the sensitivity and close proximity to Batiquitos Lagoon. Therefore, external lighting shall be reduced or eliminated. The ECC discussed with Mr. Brian Grover that light bollards providing pathway lighting would most likely be acceptable.

b. **Rooftop Decks.** If constructed, these would add to Light and Noise pollution – please eliminate and do not include this intrusive addition. Further, barbecues on rooftops, if allowed, are a potential fire hazard, notwithstanding the nuisance cooking odors, an Air Quality issue.

- **The ECC believes the Lennar Draft Scoping EIR addresses the Lighting and the Rooftop Decks concerns as identified herein and therefor the response is deemed adequate**

6.0 TREES and PLANTINGS

a. The ECC believes that with the following setbacks: 1) A 60-foot set back along Piraeus 2) A 15-foot set back at Plato Place 3) A 16-foot east property line setback to accommodate the existing SDG&E high voltage overhead, wooden power poles 4) A 50-foot setback - per CEQA - from the ravine at the north property line will limit the available area for the planting of the required 30 native trees per acre. The total number of required trees is 180 +/- as per the City of Encinitas Municipal Code. Compliance may not be possible. All plantings shall be native drought tolerant and non-invasive.

b. Depending on the selected species of native trees and their size at maturity, they could possibly serve as an ambient noise buffer for the residents of **Piraeus Point Townhomes**, as well as providing shading.

4B-73

do not represent a land use typically associated with adverse air quality effects (odors); refer to EIR Section 3.2, Air Quality.

4B-74

4B-79

4B-75

Comment Summary:

The commenter asserts that the EIR adequately addresses the stated concerns pertaining to Lighting and Rooftop Decks.

4B-76

Response:

Refer to Responses 4B-77 to 4B-78. This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-77

4B-80

4B-78

Comment Summary:

The commenter states number of development setbacks that would “limit the available area for the required planting of 30 native trees per acre.”

4B-79

The commenter asserts that all plantings shall be native drought tolerant and non-invasive species.

4B-80

Response:

Please refer to Response 4A-20.

4B-81

4B-81

Comment Summary:

The commenter asserts that, depending on the selected species of trees and their size/maturity, trees planted with project landscaping could serve as a noise buffer and provide onsite shading.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

c. The selection of indigenous coastal trees will enhance the project for the benefit of the community. It is to be noted in the City of Encinitas General Plan, the I-5 Interstate Corridor was established to be a “green corridor” on both sides. It is fitting towards keeping with the environmental objectives when the City of Encinitas became incorporated in 1986. Planting trees will be an enhancement for the City, the Piraeus Point Townhomes residents, and the community at large.

• The ECC believes the Lennar Draft Scoping EIR addresses the Trees and Planting concerns as identified herein and therefore the response is deemed adequate

7.0 Application Project Review. The ECC conducted a review of the Applicants package as follows:

c. Planned Application Supplement City of Encinitas Development Services Department Form S. A review of Form S, indicates that Parcel B is a strip of land that runs parallel to the east of a concrete drainage culvert contiguous with Piraeus Street north of Parcel A to south of Sky Loft Road thence from the north side of Sky Loft Road to La Costa Avenue. Parcel A area is 6.876 acres and Parcel B area is 4.93 acres. The parcels have been added to provide a gross acreage of 11.8 acres in order to meet the Encinitas Code Requirements for Lot Coverage of 65% Maximum. This procedure of adding the two (2) parcels is invalid per Appendix C- 2013-2021 of the City Housing Element. Only APN 254-144-01-00, i.e., Parcel A area 6.93 acres is shown on page C-8 as Cannon Property (Piraeus) Site Number 02. The “gross/net” acreage for development is 6.93 acres. Therefore, Form S, Lot Coverage calculations need to be revised and resubmitted to the City for review. See Appendices E.

d. Further, Parcel B area 4.93 acres, is totally unbuildable and is located within the City of Encinitas Subarea Plan of the MHCP Coastal Sage Scrub (CSS) and Southern Maritime Chaparral and California Gnatcatchers.

Additionally, an SDG&E power poles with overhead 12.6 kV distribution power lines crosses the south portion of Parcel B between Sky Loft Road and Plato Place, as per a recorded easement and so noted within the Cannon Property Title Report eastern property line..

The power lines parallel to the eastern property line need to be located underground in accordance with the City Policy and Adopted Ordinances

The DRAFT Scoping EIR and Public Notices infer that Parcel A and Parcel B are enjoined and that the townhomes will be constructed on both parcels, which is totally false. The ECC recommendation that Lennar and the City refrain from using this false narrative has been complied with and is currently no longer an issue of concern.

However, the ECC requests that the City resend their request to the Public Agencies indicating their error as described in paragraph D and thereby seek a new/revised Public Agency response.

Additionally, The City Housing Element Inclusionary Economic Analysis specifically for Townhomes - see pages 88-90/420 – indicate the allowable density of Townhomes is R-15, i.e.,

4B-82
4B-83
4B-84
4B-85
4B-86
4B-87
4B-88

4B-82

Comment Summary:

The commenter asserts that planting indigenous coastal trees onsite would enhance the project for the benefit of the community, and states that the I-5 corridor was identified in the City’s General Plan as a “green corridor” on both sides.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-83

Comment Summary:

The commenter asserts that the EIR adequately addresses the stated concerns relative to Trees and Planting.

Response:

Refer to Responses 4B-81 and 4B-82. This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-84

Comment Summary:

The commenter asserts that Planned Application Supplement City of Encinitas Development Services Department Form S for the project must be revised to indicate a gross/net acreage for development of 6.93 acres. The commenter explains that the procedure of adding the two parcels, to meet the City’s Code Requirements to calculate a 65% maximum lot coverage is invalid per Appendix C-2013-2021 of the City’s Housing Element.

Response:

Refer to the Condominium Tentative Map for gross/net acreage of the affected parcels. Such acreages have been calculated in conformance with City regulations and do not require revision, as otherwise suggested by

c. The selection of indigenous coastal trees will enhance the project for the benefit of the community. It is to be noted in the City of Encinitas General Plan, the I-5 Interstate Corridor was established to be a “green corridor” on both sides. It is fitting towards keeping with the environmental objectives when the City of Encinitas became incorporated in 1986. Planting trees will be an enhancement for the City, the *Piraeus Point Townhomes* residents, and the community at large.

4B-82

- **The ECC believes the Lennar Draft Scoping EIR addresses the Trees and Planting concerns as identified herein and therefor the response is deemed adequate**

4B-83

7.0 Application Project Review. The ECC conducted a review of the Applicants package as follows:

c. Planned Application Supplement City of Encinitas Development Services Department Form S. A review of **Form S**, indicates that Parcel B is a strip of land that runs parallel to the east of a concrete drainage culvert contiguous with Piraeus Street north of Parcel A to south of Sky Loft Road thence from the north side of Sky Loft Road to La Costa Avenue. Parcel A area is 6.876 acres and Parcel B area is 4.93 acres. The parcels have been added to provide a gross acreage of 11.8 acres in order to meet the Encinitas Code Requirements *for Lot Coverage of 65% Maximum*. This procedure of adding the two (2) parcels is invalid per Appendix C- 2013-2021 of the City Housing Element. Only APN 254-144-01-00, i.e., Parcel A area 6.93 acres is shown on page C-8 as Cannon Property (Piraeus) Site Number 02. The “**gross/net**” acreage for development is 6.93 acres. Therefore, **Form S, Lot Coverage** calculations need to be revised and resubmitted to the City for review. See Appendices E.

4B-84

d. Further, Parcel B area 4.93 acres, is totally unbuildable and is located within the City of Encinitas Subarea Plan of the MHCP Coastal Sage Scrub (CSS) and Southern Maritime Chaparral and California Gnatcatchers.

4B-85

Additionally, an SDG&E power poles with overhead 12.6 kV distribution power lines crosses the south portion of Parcel B between Sky Loft Road and Plato Place, as per a recorded easement and so noted within the Cannon Property Title Report eastern property line..

4B-86

The power lines parallel to the eastern property line need to be located underground in accordance with the City Policy and Adopted Ordinances

The DRAFT Scoping EIR and Public Notices infer that Parcel A and Parcel B are enjoined and that the townhomes will be constructed on both parcels, which is totally false. The ECC recommendation that Lennar and the City refrain from using this false narrative has been complied with and is currently no longer an issue of concern.

4B-87

However, the ECC requests that the City resend their request to the Public Agencies indicating their error as described in paragraph D and thereby seek a new/revised Public Agency response.

Additionally, The City Housing Element Inclusionary Economic Analysis specifically for Townhomes - see pages 88-90/420 – indicate the allowable density of Townhomes is R-15, i.e.,

4B-88

the commenter. The comments provided do not raise an environmental concern pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

4B-85

Comment Summary:

The commenter asserts that Parcel B (northernmost parcel) is “unbuildable” and notes its location within the City’s Subarea Plan, as well as the presence of sensitive habitat and California gnatcatcher.

Response:

Please refer to Responses 1B-5 and 4A-23.

4B-86

Comment Summary:

The commenter asserts that the project shall underground the existing power lines traversing the property in accordance with City requirements.

Response:

Please refer to Response 4A-23.

4B-87

Comment Summary:

The commenter asserts that the EIR and public notices for the project inferred that Parcel A and Parcel B are enjoined and that housing will be constructed on both parcels; however, the commenter notes that this issue has been corrected and is “no longer an issue of concern” to the commenter. The commenter requests that the City resend a request for comment to public agencies after correcting the error.

Response:

As described in EIR Section 2.0, Project Description, the proposed development would be limited to APN 254-144-01-00, totaling approximately 6.88 acres. The parcel adjacent to the north (APN 216-110-35-00) is not proposed for development and would be preserved in perpetuity to mitigate for biological impacts resulting with the project.

Preface and Responses to Comments

c. The selection of indigenous coastal trees will enhance the project for the benefit of the community. It is to be noted in the City of Encinitas General Plan, the I-5 Interstate Corridor was established to be a "green corridor" on both sides. It is fitting towards keeping with the environmental objectives when the City of Encinitas became incorporated in 1986. Planting trees will be an enhancement for the City, the Piraeus Point Townhomes residents, and the community at large.

4B-82

The ECC believes the Lennar Draft Scoping EIR addresses the Trees and Planting concerns as identified herein and therefore the response is deemed adequate

4B-83

7.0 Application Project Review. The ECC conducted a review of the Applicants package as follows:

c. Planned Application Supplement City of Encinitas Development Services Department Form S. A review of **Form S**, indicates that Parcel B is a strip of land that runs parallel to the east of a concrete drainage culvert contiguous with Piraeus Street north of Parcel A to south of Sky Loft Road thence from the north side of Sky Loft Road to La Costa Avenue. Parcel A area is 6.876 acres and Parcel B area is 4.93 acres. The parcels have been added to provide a gross acreage of 11.8 acres in order to meet the Encinitas Code Requirements for **Lot Coverage of 65% Maximum**. This procedure of adding the two (2) parcels is invalid per Appendix C- 2013-2021 of the City Housing Element. Only APN 254-144-01-00, i.e., Parcel A area 6.93 acres is shown on page C-8 as Cannon Property (Piraeus) Site Number 02. The "**gross/net**" acreage for development is 6.93 acres. Therefore, **Form S, Lot Coverage** calculations need to be revised and resubmitted to the City for review. See Appendices E.

4B-84

d. Further, Parcel B area 4.93 acres, is totally unbuildable and is located within the City of Encinitas Subarea Plan of the MHCP Coastal Sage Scrub (CSS) and Southern Maritime Chaparral and California Gnatcatchers.

4B-85

Additionally, an SDG&E power poles with overhead 12.6 kV distribution power lines crosses the south portion of Parcel B between Sky Loft Road and Plato Place, as per a recorded easement and so noted within the Cannon Property Title Report eastern property line..

4B-86

The power lines parallel to the eastern property line need to be located underground in accordance with the City Policy and Adopted Ordinances

The DRAFT Scoping EIR and Public Notices infer that Parcel A and Parcel B are enjoined and that the townhomes will be constructed on both parcels, which is totally false. The ECC recommendation that Lennar and the City refrain from using this false narrative has been complied with and is currently no longer an issue of concern.

4B-87

However, the ECC requests that the City resend their request to the Public Agencies indicating their error as described in paragraph D and thereby seek a new/revised Public Agency response.

Additionally, The City Housing Element Inclusionary Economic Analysis specifically for Townhomes - see pages 88-90/420 – indicate the allowable density of Townhomes is R-15, i.e.,

4B-88

At the time when the Notice of Preparation was published, APN 254-144-01-00 was included in the overall acreage of the project site; however, the parcel was still planned to be preserved in perpetuity, and it was not stated that development would occur on APN 254-144-01-00. Changes to the boundaries of the proposed "project site" (or proposed development area) have since been made to no longer include APN 254-144-01-00, which is reflected in the EIR. The City has also had regular contact with USFWS, CDFW, and the Coastal Commission throughout the processing of this project. Therefore, the City is not required to resend a request for comment to public agencies, as no error was made in the EIR's description of the project site. The City, as lead agency, has complied with all public noticing requirements pursuant to CEQA.

4B-88

Comment Summary:

The commenter asserts that the City Housing Element Inclusionary Economic Analysis indicates the "allowable density of townhomes is R-15," and therefore, a maximum of 60 townhomes would be allowed for development on Parcel A.

Response:

Please refer to Response 4A-24.

maximum of 15 townhomes per acre. Therefore, with approximately 4 acres of buildable acreage a quantity of 60 Townhomes is most likely the maximum quantity allowed for Parcel A.

The city of Encinitas Housing Element Task Force was in error towards accepting the Cannon Property as a candidate for housing property. The Task Force did not conduct the required Due Diligence towards a justifiable decision. Further, had the Task Force realized that the property was total inappropriate as a housing element property it would have been denied as a candidate. Therefore it is not too late to rescind the poor decision made. There has to be accountability towards this extremely poor Housing Element Task Force decision.

8.0 CONCLUSION.

Please be advised that this project is not welcomed by the surrounding community. It is ill-conceived, and if constructed, will be a permanent and irreparable detriment to the existing community.

Piraeus Point Townhomes development will have **significant environmental impacts** within the Visual Scenic Corridor resulting from the destruction/removal of this existing valuable wildlife habitat inland bluff. This project can not be perceived as a community benefit and shall be denied. The Housing Element Task Force was in gross error accepting this property as a multi-family housing project. The site is a Habitat Preservation site.

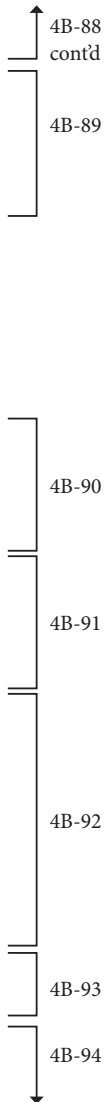
The Piraeus Point Project does not comply with the SANDAG proposed General Plan to be implemented in 2025. The General Plan Policies are as follows:

- Efficient, Movement of people and goods
- Equitable, Access to housing and mobility options for everyone
- Healthy, Air and reduced greenhouse gases (GHG) emission
- Safe, Transportation system for all users.

None of these policies will occur with the construction of Piraeus Point Townhomes, therefore this project is in conflict with the 2025 SANDAG General Plan and should be denied.

The ECC, as a Community Stakeholder, requests that they be kept informed in every stage of this pending development.

The ECC respectfully requests that Mr. Brian Grover and Mr. David Shepherd of Lennar Inc. exercise a thorough due diligence process including the evaluation of the multitude of critical



4B-89

Comment Summary:

The commenter asserts that the project site was incorrectly accepted as a candidate for housing development, as the City's Housing Element Task Force did not conduct the required due diligence.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-90

Comment Summary:

The commenter asserts that the project is not supported by the surrounding community and that it would be a "permanent and an irreparable detriment to the existing community."

Response:

Please refer to Response 4A-25.

4B-91

Comment Summary:

The commenter asserts that the project would have a significant environmental impact within the visual scenic corridor due to removal of the existing wildlife habitat inland bluff. The commenter asserts that the project should be denied, and that the subject property should not have been accepted as a multi-family housing project as it should serve as a habitat preservation site.

Response:

Please refer to Master Response 4 and Responses 4A-7 and 4B-89.

Preface and Responses to Comments

maximum of 15 townhomes per acre. Therefore, with approximately 4 acres of buildable acreage a quantity of 60 Townhomes is most likely the maximum quantity allowed for Parcel A.

The city of Encinitas Housing Element Task Force was in error towards accepting the Cannon Property as a candidate for housing property. The Task Force did not conduct the required Due Diligence towards a justifiable decision. Further, had the Task Force realized that the property was total inappropriate as a housing element property it would have been denied as a candidate. Therefore it is not too late to rescind the poor decision made. There has to be accountability towards this extremely poor Housing Element Task Force decision.

8.0 CONCLUSION.

Please be advised that this project is not welcomed by the surrounding community. It is ill-conceived, and if constructed, will be a permanent and irreparable detriment to the existing community.

Piraeus Point Townhomes development will have significant environmental impacts within the Visual Scenic Corridor resulting from the destruction/removal of this existing valuable wildlife habitat inland bluff. This project can not be perceived as a community benefit and shall be denied. The Housing Element Task Force was in gross error accepting this property as a multi-family housing project. The site is a Habitat Preservation site.

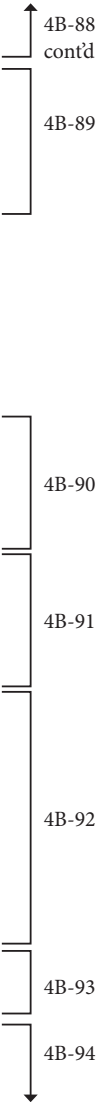
The Piraeus Point Project does not comply with the SANDAG proposed General Plan to be implemented in 2025. The General Plan Policies are as follows:

- Efficient, Movement of people and goods
- Equitable, Access to housing and mobility options for everyone
- Healthy, Air and reduced greenhouse gases (GHG) emission
- Safe, Transportation system for all users.

None of these policies will occur with the construction of Piraeus Point Townhomes, therefore this project is in conflict with the 2025 SANDAG General Plan and should be denied.

The ECC, as a Community Stakeholder, requests that they be kept informed in every stage of this pending development.

The ECC respectfully requests that Mr. Brian Grover and Mr. David Shepherd of Lennar Inc. exercise a thorough due diligence process including the evaluation of the multitude of critical



4B-88
cont'd

4B-92

Comment Summary:

The commenter asserts that the project does not comply with the “SANDAG proposed General Plan to be implemented in 2025” and should be denied.

Response:

Please refer to Response 4A-28.

4B-93

Comment Summary:

The commenter requests to be informed of the proposed project moving forward.

Response:

Please refer to Response 4A-27.

4B-94

Comment Summary:

The commenter requests that the applicant team “exercise a due diligence process” including evaluation of the issues raised by the ECC in the subject letter and asserts that each issue raised be “addressed and resolved”...”to the satisfaction of the ECC.” The commenter raises an issue of whether the project is of “economic financial risk” and not environmentally justifiable, and asserts that the applicant will choose not to purchase the property.

Response:

Please refer to Response 4A-29.

issues that the ECC Draft Scoping EIR Review clearly identifies and describes. Each of these significant issues have to be addressed and resolved by Lennar Homes and the City to the satisfaction of the ECC. The ECC firmly believes that with careful and respectful evaluation, Lennar Homes will conclude that Piraeus Point Townhomes housing development project is neither an economical financial risk nor is it environmentally justifiable, that a major U.S. public corporation would be proud of. Further, when weighing each of the described CEQA categories, their sub-sets, the quantifiable data, Lennar Homes will be guided to choose not to exercise their "option to purchase" the Cannon Property and thereby avoiding to construct this "negative quality of life" constrained property

**END OF THE ECC DRAFT ENVIRONMENTAL IMPACT REPORT
REVIEW**

↑
4B-94
cont'd

Preface and Responses to Comments

From: Daniel E. Baxter
1627 Caudor St.
Encinitas, CA 92024
danbaxter@cox.net

To: Nick Koutoufidis, Environmental Project Manager,
City of Encinitas, Planning Division
505 S. Vulcan Avenue, Encinitas, CA 92024,
nkoutoufidis@encinitasca.gov
phone (760) 633-2692

Feb 5, 2023

RE: Piraeus Point - December 2022 Draft EIR Comments
Case Nos. MULTI-005158-2022; CDP-005161-2022; SUB-005159-2022; DR-005160-2022

Dear Mr. Koutoufidis, Planning Dept. Reviewers, City Council Members, and other interested parties;

I strongly share the predominant sentiment of nearby residents, as expressed through the CPP process, numerous letters, and EIR comments, that the density of the proposed 149 unit development at Piraeus Point is inappropriate for this location, and not in keeping with the rural residential character of the neighborhood. The character of the neighborhood is the fundamental attribute that led many of us, the current homeowners, to make their largest single lifetime investment here. This project would fundamentally and irrevocably alter the neighborhood in direct contradiction to a long history of regulations and practices in Encinitas, laws and practices which we relied on when making our home purchase decisions. A few of the many contradicted sections of the "Land Use Element" and "Circulation Element" are cited in Appendix 1. Based on this, I believe the project should not be permitted.

5-1

Notwithstanding moral and legal considerations, and the "will" of your constituents, several indications thus far in the process have been that the project will be allowed to proceed. If that is the case, I believe that there are some negative impacts of this proposed development that are not adequately addressed in the EIR (Dec 2022 revision), and at least some of these can and should be mitigated or reduced by the developer and/or through action by the city. Also, there are some potential long term liabilities to the city under the current development plan, that probably should be reduced.

5-2

Many of the following comments don't directly contradict the findings of the Lennar Builders EIR report, rather I believe the scope of their EIR findings did not include adequate mitigation and liability reduction actions that were beyond those which can be easily achieved within the bounds of the Piraeus Point property. Although there are several potential issues with the development plan, primary among them are infrastructure inadequacies related to:

5-3

- 1) Pedestrian Safety (Sidewalks / Safe Passage to School),
- 2) Traffic Control, and
- 3) the closely related question of adequacy of planned Parking.

In addition to my comments regarding these 3 issues, in section four I identify some specific questions related to EIR claims.

PLEASE, consider the existing residents around Piraeus Point, your constituents, who relied on the express plans and intentions of the City, when making their property purchase decisions. Consider the health and safety of pedestrians and motorists in and around the proposed project. If these considerations are still not enough to cause you to deny the project permits, then at least implement some of the mitigations steps recommended here, and by others – steps to help manage growth in a manner that does not degrade the services to, and quality of life of, existing residents.

5-4

5 Daniel E. Baxter

5-1

Comment Summary:

The commenter asserts that the development as proposed is not appropriate for the site, as it would not reflect the existing rural character or density of the surrounding neighborhood. The commenter feels that the project as proposed would conflict with long-standing City regulations that originally resulted in the neighborhood's existing rural residential character.

Response:

Please refer to Master Response 4. The project has been designed in conformance with existing General Plan and zoning regulations, as well as other applicable development regulations, including consistency with the California Coastal Act. The project is subject to the City's discretionary review process to ensure conformance with the intended future development of the subject site for residential use.

5-2

Comment Summary:

The commenter asserts that the project as proposed would result in several adverse impacts that that EIR does not adequately address and that should be mitigated or reduced through applicant or City action. The commenter also indicates that the project as proposed presents potential long-term liabilities for the City.

Response:

The comments provided do not indicate specific negative impacts associated with the proposed project that are not adequately addressed in the EIR, nor do they specify what the long-term liabilities for the City would be. No further response is required.

From: Daniel E. Baxter
1627 Caudor St.
Encinitas, CA 92024
danbaxter@cox.net

To: Nick Koutoufidis, Environmental Project Manager,
City of Encinitas, Planning Division
505 S. Vulcan Avenue, Encinitas, CA 92024,
nkoutoufidis@encinitasca.gov
phone (760) 633-2692

Feb 5, 2023

RE: Piraeus Point - December 2022 Draft EIR Comments
Case Nos. MULTI-005158-2022; CDP-005161-2022; SUB-005159-2022; DR-005160-2022

Dear Mr. Koutoufidis, Planning Dept. Reviewers, City Council Members, and other interested parties;

I strongly share the predominant sentiment of nearby residents, as expressed through the CPP process, numerous letters, and EIR comments, that the density of the proposed 149 unit development at Piraeus Point is inappropriate for this location, and not in keeping with the rural residential character of the neighborhood. The character of the neighborhood is the fundamental attribute that led many of us, the current homeowners, to make their largest single lifetime investment here. This project would fundamentally and irrevocably alter the neighborhood in direct contradiction to a long history of regulations and practices in Encinitas, laws and practices which we relied on when making our home purchase decisions. A few of the many contradicted sections of the "Land Use Element" and "Circulation Element" are cited in Appendix 1. Based on this, I believe the project should not be permitted.

5-1

Notwithstanding moral and legal considerations, and the "will" of your constituents, several indications thus far in the process have been that the project will be allowed to proceed. If that is the case, I believe that there are some negative impacts of this proposed development that are not adequately addressed in the EIR (Dec 2022 revision), and at least some of these can and should be mitigated or reduced by the developer and/or through action by the city. Also, there are some potential long term liabilities to the city under the current development plan, that probably should be reduced.

5-2

Many of the following comments don't directly contradict the findings of the Lennar Builders EIR report, rather I believe the scope of their EIR findings did not include adequate mitigation and liability reduction actions that were beyond those which can be easily achieved within the bounds of the Piraeus Point property. Although there are several potential issues with the development plan, primary among them are infrastructure inadequacies related to:

5-3

- 1) Pedestrian Safety (Sidewalks / Safe Passage to School),
- 2) Traffic Control, and
- 3) the closely related question of adequacy of planned Parking.

In addition to my comments regarding these 3 issues, in section four I identify some specific questions related to EIR claims.

PLEASE, consider the existing residents around Piraeus Point, your constituents, who relied on the express plans and intentions of the City, when making their property purchase decisions. Consider the health and safety of pedestrians and motorists in and around the proposed project. If these considerations are still not enough to cause you to deny the project permits, then at least implement some of the mitigations steps recommended here, and by others – steps to help manage growth in a manner that does not degrade the services to, and quality of life of, existing residents.

5-4

5-3

Comment Summary:

The commenter asserts that the EIR does not include mitigation and "liability reduction actions" beyond measures that the commenter feels are easily achievable for the project site. The commenter feels that there are "infrastructure inadequacies" associated with pedestrian safety, traffic control, and parking.

Response:

This commenter does not specify how pedestrian safety, traffic control, and parking associated with the project present "infrastructure inadequacies" or how the mitigation measures identified in the EIR are deficient. The project has been designed in conformance with applicable local and State design requirements to ensure that adequate public safety and circulation are maintained. Refer to subsequent comments and responses below for additional discussion. Refer also to Master Response 1.

5-4

Comment Summary:

The commenter requests that existing residents in the areas surrounding the project site, as well as pedestrians and motorists, be considered by the City as part of its decision making process. The commenter suggests that the City deny the project, or alternatively, asks the City to include certain mitigation measures (identified later in the comment letter) to prevent degradation of services provided to and quality of life experienced by residents living in the project vicinity.

Response:

The commenter does not identify specific mitigation measures to be included as part of the proposed project; such recommended measures to manage future growth and to ensure the protection of continued public health and safety and provision of services are identified in subsequent comments provided.

Preface and Responses to Comments

- 1. PEDESTRIAN SAFETY: It seems only reasonable to anticipate that 149 new housing units targeted as “starter homes” will attract some families with elementary school age children. Planning for a safe walking path up Plato to connect with existing sidewalks leading to Capri Elementary School seems prudent, even if only to limit City liability. This is absent from the current plan. 5-5

- 1.1. Lennar’s current plan shows pedestrian pathways on the east side of Piraeus, and the north side of Plato, but only on the building site. While this is good, it is not sufficient to provide safe transit to Capri Elementary. A walking path should extend up Plato, from Piraeus to Caudor Street. Depending on which side of Plato the walkway is added, a crosswalk and possibly additional stop signs on Caudor St. at Plato may be necessary to complete the safe passageway. Leadership in planning this may help to avoid easily foreseeable bad outcomes, and associated city liability. 5-6

- 1.2. Note: In the CPP meeting, Lennar representatives suggested that they may be willing to “support” this walkway extension. In subsequent discussions with their representatives (Brian Grover and David Shepard), they elaborated that the primary impediment to a contiguous walkway is not the cost, it is resolving the associated property rights issues (i.e. is there room on the north side of the existing right of way on Plato, or can a walkway be built on private property). A walkway on the south side of Plato would require additional earth moving and probably retaining walls, and was not considered viable by Lennar, or at least not within the scope of what they were volunteering to “support”. Anecdotally, one of the potentially impacted homeowners has suggested that they may be willing to sacrifice some trees and their fence to this “greater good”. While none of this is legally binding, it suggests that a solution is possible. 5-7

- 1.3. DIR Chapter 3.0 Section 3.12 addresses Transportation, and in particular page 12 mentions the “Pedestrian Travel and Safe Routes to School Plan. The first full paragraph concludes “*The (Piraeus Point) project does not propose improvements or developments that would hinder implementation of the Let’s Move Encinitas! Pedestrian Travel and Safe Routes to School Plan; would not remove bicycle lanes or sidewalks; and would not result in unsafe conditions in the vicinity of Capri Elementary School.*” 5-8

The project can reasonably be expected to dramatically increase child pedestrian and vehicular traffic up and down Plato between Piraeus and Caudor Street. This is a steep narrow curving high traffic stretch where no walkways are present. So although the project may not be creating a new risk, it will increase the severity and frequency of risk.

- 1.4. In any case, I believe that some mitigation for this potential safety issue would lead to a better project, a more livable neighborhood, and reduce a foreseeable risk and the associated liability that might flow from it. 5-9

- 2. TRAFFIC: Regardless of study methodology, and which traffic model is used (i.e., the assumed number of car trips per day and where they will go), there will certainly be a significant increase in demand on local roadway infrastructure given the large number of units being added. This is consistent with the EIR findings, however I believe that the EIR conclusion that no further mitigation is possible or feasible is incorrect, even within the limited scope that only considers this project’s impacts. 5-10

- On the current revision of their plans for Piraeus Point, Lennar has already added an emergency only ingress / egress gate to the driveway that exits on Plato, thus discouraging traffic flow into the already congested neighborhood. This is a good first step. But there are more mitigations which deserve consideration, here are a few: 5-11

- There are three primary traffic bottlenecks that most residents are aware of, and that this new development will exacerbate. All can be partially mitigated. 5-12

5-5

Comment Summary:

The commenter indicates that the City should provide safe walking paths from the project site along Plato Place to provide connection with the existing sidewalk system leading to Capri Elementary School. The commenter notes that the provision of such sidewalks are currently not proposed as part of the development.

Response:

Please refer to Master Response 1.

5-6

Comment Summary:

The commenter states that the current proposed project, which would include construction of sidewalks along portions of Piraeus Street and Plato Place, are not adequate for providing safe pedestrian travel to Capri Elementary School. The commenter proposes that a sidewalk along Plato Place extend to Caudor Street and that other pedestrian improvements, such as a crosswalk and/or additional stop signs, be provided along Caudor Street/Plato Place.

Response:

Please refer to Master Response 1.

5-7

Comment Summary:

The commenter notes that the project applicant had previously expressed support for a sidewalk extension along Plato Place; however, as noted by the commenter, certain property rights issues and/or additional earthwork requirements were determined to impede the construction of such an extension. The commenter also notes that a resident of the area had apparently expressed support for removing trees along their property line to allow for a sidewalk extension along the south side of Plato Place.

- 1. PEDESTRIAN SAFETY: It seems only reasonable to anticipate that 149 new housing units targeted as “starter homes” will attract some families with elementary school age children. Planning for a safe walking path up Plato to connect with existing sidewalks leading to Capri Elementary School seems prudent, even if only to limit City liability. This is absent from the current plan. 5-5

- 1.1. Lennar’s current plan shows pedestrian pathways on the east side of Piraeus, and the north side of Plato, but only on the building site. While this is good, it is not sufficient to provide safe transit to Capri Elementary. A walking path should extend up Plato, from Piraeus to Caudor Street. Depending on which side of Plato the walkway is added, a crosswalk and possibly additional stop signs on Caudor St. at Plato may be necessary to complete the safe passageway. Leadership in planning this may help to avoid easily foreseeable bad outcomes, and associated city liability. 5-6

- 1.2. Note: In the CPP meeting, Lennar representatives suggested that they may be willing to “support” this walkway extension. In subsequent discussions with their representatives (Brian Grover and David Shepard), they elaborated that the primary impediment to a contiguous walkway is not the cost, it is resolving the associated property rights issues (i.e. is there room on the north side of the existing right of way on Plato, or can a walkway be built on private property). A walkway on the south side of Plato would require additional earth moving and probably retaining walls, and was not considered viable by Lennar, or at least not within the scope of what they were volunteering to “support”. Anecdotally, one of the potentially impacted homeowners has suggested that they may be willing to sacrifice some trees and their fence to this “greater good”. While none of this is legally binding, it suggests that a solution is possible. 5-7

- 1.3. DIR Chapter 3.0 Section 3.12 addresses Transportation, and in particular page 12 mentions the “Pedestrian Travel and Safe Routes to School Plan. The first full paragraph concludes “*The (Piraeus Point) project does not propose improvements or developments that would hinder implementation of the Let’s Move Encinitas! Pedestrian Travel and Safe Routes to School Plan; would not remove bicycle lanes or sidewalks; and would not result in unsafe conditions in the vicinity of Capri Elementary School.*” 5-8

The project can reasonably be expected to dramatically increase child pedestrian and vehicular traffic up and down Plato between Piraeus and Caudor Street. This is a steep narrow curving high traffic stretch where no walkways are present. So although the project may not be creating a new risk, it will increase the severity and frequency of risk.

- 1.4. In any case, I believe that some mitigation for this potential safety issue would lead to a better project, a more livable neighborhood, and reduce a foreseeable risk and the associated liability that might flow from it. 5-9

- 2. TRAFFIC: Regardless of study methodology, and which traffic model is used (i.e., the assumed number of car trips per day and where they will go), there will certainly be a significant increase in demand on local roadway infrastructure given the large number of units being added. This is consistent with the EIR findings, however I believe that the EIR conclusion that no further mitigation is possible or feasible is incorrect, even within the limited scope that only considers this project’s impacts. 5-10

On the current revision of their plans for Piraeus Point, Lennar has already added an emergency only ingress / egress gate to the driveway that exits on Plato, thus discouraging traffic flow into the already congested neighborhood. This is a good first step. But there are more mitigations which deserve consideration, here are a few: 5-11

There are three primary traffic bottlenecks that most residents are aware of, and that this new development will exacerbate. All can be partially mitigated. 5-12

Response:

Please refer to Master Response 1. The City will continue to consider the potential for offsite infrastructure improvements to ensure continued pedestrian and bicyclist safety in the project vicinity, and safe access and circulation for school-aged children traveling to/from Capri Elementary School.

5-8

Comment Summary:

The commenter references EIR Section 3.12, Transportation, particularly the conclusion that the project would not hinder implementation of the Let’s Move Encinitas! Pedestrian Travel and Safe Routes to School Plan. The commenter notes that an increase in child pedestrian and vehicular-related traffic would occur along Plato Place and Caudor Street that would result in more severe and frequent safety risks.

Response:

Please refer to Master Response 1.

5-9

Comment Summary:

The commenter asserts that the existing surrounding neighborhood would be more livable, and liability would be reduced, if mitigation addressing the previously mentioned safety concerns is implemented.

Response:

Please refer to Master Response 1 and Responses 5-5 to 5-8, above.

5-10

Comment Summary:

The commenter suggests that the project would substantially increase demand on local roadway infrastructure due to the number of vehicle trips generated. The commenter asserts that the conclusions identified in the EIR indicating that no further mitigation is available or feasible to reduce transportation impacts are incorrect, even with consideration of impacts limited to just the proposed project.

Preface and Responses to Comments

- 1. PEDESTRIAN SAFETY: It seems only reasonable to anticipate that 149 new housing units targeted as “starter homes” will attract some families with elementary school age children. Planning for a safe walking path up Plato to connect with existing sidewalks leading to Capri Elementary School seems prudent, even if only to limit City liability. This is absent from the current plan. 5-5
- 1.1. Lennar’s current plan shows pedestrian pathways on the east side of Piraeus, and the north side of Plato, but only on the building site. While this is good, it is not sufficient to provide safe transit to Capri Elementary. A walking path should extend up Plato, from Piraeus to Caudor Street. Depending on which side of Plato the walkway is added, a crosswalk and possibly additional stop signs on Caudor St. at Plato may be necessary to complete the safe passageway. Leadership in planning this may help to avoid easily foreseeable bad outcomes, and associated city liability. 5-6
- 1.2. Note: In the CPP meeting, Lennar representatives suggested that they may be willing to “support” this walkway extension. In subsequent discussions with their representatives (Brian Grover and David Shepard), they elaborated that the primary impediment to a contiguous walkway is not the cost, it is resolving the associated property rights issues (i.e. is there room on the north side of the existing right of way on Plato, or can a walkway be built on private property). A walkway on the south side of Plato would require additional earth moving and probably retaining walls, and was not considered viable by Lennar, or at least not within the scope of what they were volunteering to “support”. Anecdotally, one of the potentially impacted homeowners has suggested that they may be willing to sacrifice some trees and their fence to this “greater good”. While none of this is legally binding, it suggests that a solution is possible. 5-7
- 1.3. DIR Chapter 3.0 Section 3.12 addresses Transportation, and in particular page 12 mentions the “Pedestrian Travel and Safe Routes to School Plan. The first full paragraph concludes “*The (Piraeus Point) project does not propose improvements or developments that would hinder implementation of the Let’s Move Encinitas! Pedestrian Travel and Safe Routes to School Plan; would not remove bicycle lanes or sidewalks; and would not result in unsafe conditions in the vicinity of Capri Elementary School.*” 5-8

The project can reasonably be expected to dramatically increase child pedestrian and vehicular traffic up and down Plato between Piraeus and Caudor Street. This is a steep narrow curving high traffic stretch where no walkways are present. So although the project may not be creating a new risk, it will increase the severity and frequency of risk.
- 1.4. In any case, I believe that some mitigation for this potential safety issue would lead to a better project, a more livable neighborhood, and reduce a foreseeable risk and the associated liability that might flow from it. 5-9
- 2. TRAFFIC: Regardless of study methodology, and which traffic model is used (i.e., the assumed number of car trips per day and where they will go), there will certainly be a significant increase in demand on local roadway infrastructure given the large number of units being added. This is consistent with the EIR findings, however I believe that the EIR conclusion that no further mitigation is possible or feasible is incorrect, even within the limited scope that only considers this project’s impacts. 5-10
- On the current revision of their plans for Piraeus Point, Lennar has already added an emergency only ingress / egress gate to the driveway that exits on Plato, thus discouraging traffic flow into the already congested neighborhood. This is a good first step. But there are more mitigations which deserve consideration, here are a few: 5-11
- There are three primary traffic bottlenecks that most residents are aware of, and that this new development will exacerbate. All can be partially mitigated. 5-12

Response:

Refer also to Master Response 1. Potential project effects on the local transportation system are analyzed in EIR Section 3.12, Transportation. As described, the proposed residential uses are anticipated to generate a VMT/capita of 23.7 miles. The regional average VMT/capita is 18.9 miles and the significance threshold is set at 85 percent of 18.9 miles, or 16.1 miles. The project’s VMT/capita would exceed the significance threshold by 7.6 miles. As such, the project would implement a Transportation Demand Management (TDM) program to reduce automobile trips, both internal and external to the community, which would include implementing an electric bike share program (short-term rentals) and provision of information on available alternative modes of transportation in the area to new residents. Although the project proposes sidewalks along Piraeus Street and Plato Place; includes project design measures to enhance sustainability; would provide for a variety of housing types including very low-income affordable housing; and is consistent with City’s General Plan, Local Coastal Program, Climate Action Plan, and SANDAG’s The Regional Plan, impacts related to VMT/capita would not be reduced to 85 percent of the regional average, even after incorporation of TDM measures as a required condition of project approval. No additional quantifiable VMT-reducing measures that the project could feasibly implement were identified, and therefore, the project’s VMT-related impacts would remain significant and unavoidable.

5-11

Comment Summary:

The commenter notes that emergency-only access would be provided from the driveway on Plato Place. The commenter believes that this is a “good first step” in addressing traffic congestion in the neighborhood but feels that additional “mitigations” may be warranted.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. Refer to subsequent comments provided below which provide more specific “mitigations” as identified by the commenter.

2.1. Currently, Northbound traffic on Piraeus occasionally gets backed up or even “gridlocked” at the La Costa Ave. light, and this can only get worse if a significant portion of the traffic from Piraeus Point goes that way (as is indicated by the current Lennar traffic model). The backup is caused by two separate contributing factors that are closely related, and both can be easily improved.

5-12
cont'd

2.1.1. The left turn lane to go from northbound Piraeus to westbound La Costa Ave can only accommodate about 4 cars. Once there are 4 or 5 cars waiting at this long light, both right turn traffic and left turn traffic back up. (The right turners have to get around the left turners who block the single northbound lane on Piraeus). In some cases drivers use the dirt shoulder on the east side of Piraeus to get into the right turn lane (so that they can proceed east on La Costa Ave.)
This backup can be reduced in severity by slightly increasing the width of the blacktop on Piraeus for approximately 150 feet along the approach to La Costa Ave, enabling the left turn lane (and right turn lane) to be lengthened correspondingly. See attached conceptual drawings. This turn lane extension would reduce the backup at the light by allowing more right turn vehicles to get out of the queue. (Please see Appendix 2)

5-13

2.1.2. A second contributing factor is the limited amount of space available for the cars that are able to make the left turn from Piraeus onto La Costa Ave (westbound) before they are stopped at the “Park and Ride” stoplight on La Costa Ave. This occurs primarily when eastbound La Costa Ave traffic queues up to turn left into the park and ride, which unfortunately coincides with the AM and PM traffic peaks.

In this situation, approximately 4 cars can fit in the right lane of westbound La Costa Ave (to get onto the northbound I-5 onramp), before the left turners behind them get backed up into the Piraeus / La Costa intersection. As a result, sometimes drivers attempting to turn left from Piraeus northbound to the right lane of La Costa westbound have to wait for more than one (long) cycle of the light before they can make their turn, or they turn left into a different lane, and try to quickly move to the right when the Park and Ride light changes. This both exacerbates the problem listed above and increases the risk to cyclists in the westbound bike lane on La Costa Ave. (The bike lane on westbound La Costa Ave crosses the automobile right turn lane to get onto northbound I-5; in the same stretch where cars are trying to move right in the above scenario.)

5-14

An improvement may be as simple as adjusting the timing of the westbound La Costa Ave light at the Park and Ride so that it stays green longer while the Piraeus northbound traffic is turning left. This should approximately double the number of cars that could turn left from Piraeus to La Costa Ave in a single cycle of the light (before they are stopped by the light at the northbound I-5 onramp). Optimizing the light timing at the onramp to coincide with the other two lights might eliminate this particular backup on La Costa Ave.

2.2. Another bottleneck exists at the corner of southbound Urania and Leucadia Blvd. Since Piraeus southbound no longer goes through to Leucadia Blvd, southbound Piraeus traffic is diverted up Normandy (or other small parallel residential streets), then to Urania southbound. From southbound Urania, drivers seeking to get to the I-5 freeway must make a right turn onto Leucadia westbound, and those that are southbound must quickly get into the left lane. At peak times they often can't do so, at least not without waiting for more than one cycle of the light. (This is due to the backup of cars on Westbound Leucadia Blvd attempting to go south on I-5.) As in the case above, the turn lanes on Urania are very short, so all the traffic queues up.

5-15

2.2.1. Urania is already developed along this stretch, so road changes (analogous to the one suggested in 2.1.1 above) are probably impractical. However, it may be worthwhile to:

2.2.1.1. Restrict parking in the right turn lane of southbound Urania to westbound Leucadia Blvd. to non-peak hours. Currently parking is unrestricted, and a single parked car or truck can block the entire

5-12

Comment Summary:

The commenter states that there are “three primary bottlenecks” that the project as proposed would exacerbate, but that all “can be partially mitigated.” The commenter indicates that, under existing conditions, traffic congestion occurs at the Piraeus Street/La Costa Avenue intersection from traffic traveling northbound along Piraeus Street.

Response:

Please refer to Master Response 1. Based on the analysis provided in the LTA prepared for the project by Intersecting Metrics (2022), the project would not have a substantial effect on the operation of any roadways or intersections within the study area identified under the Existing with Project, Near-Term with Project, and Future Year 2035 with Project scenarios. Therefore, no roadway or intersection improvements are needed with project implementation to alleviate the project’s contribution of vehicular traffic on the local circulation system.

5-13

Comment Summary:

The commenter provides an explanation as to why congestion at the Piraeus Street/La Costa Avenue intersection occurs and suggests increasing the width of Piraeus Street and lengthening the turn lanes along the street as a method that may reduce the potential for queueing to occur at the stoplight.

Response:

Refer to Master Response 1 and Response 5-12, above.

5-14

Comment Summary:

The commenter provides explanation that congestion at the Piraeus Street/La Costa Avenue intersection may also occur due to the lack of roadway to accommodate vehicles making a left turn onto La Costa Avenue from Piraeus Street. The commenter suggests that timing of the westbound stoplight at the Park and Ride facility along La Costa Avenue

Preface and Responses to Comments

2.1. Currently, Northbound traffic on Piraeus occasionally gets backed up or even "gridlocked" at the La Costa Ave. light, and this can only get worse if a significant portion of the traffic from Piraeus Point goes that way (as is indicated by the current Lennar traffic model). The backup is caused by two separate contributing factors that are closely related, and both can be easily improved.

5-12
cont'd

2.1.1. The left turn lane to go from northbound Piraeus to westbound La Costa Ave can only accommodate about 4 cars. Once there are 4 or 5 cars waiting at this long light, both right turn traffic and left turn traffic back up. (The right turners have to get around the left turners who block the single northbound lane on Piraeus). In some cases drivers use the dirt shoulder on the east side of Piraeus to get into the right turn lane (so that they can proceed east on La Costa Ave.) This backup can be reduced in severity by slightly increasing the width of the blacktop on Piraeus for approximately 150 feet along the approach to La Costa Ave, enabling the left turn lane (and right turn lane) to be lengthened correspondingly. See attached conceptual drawings. This turn lane extension would reduce the backup at the light by allowing more right turn vehicles to get out of the queue. (Please see Appendix 2)

5-13

2.1.2. A second contributing factor is the limited amount of space available for the cars that are able to make the left turn from Piraeus onto La Costa Ave (westbound) before they are stopped at the "Park and Ride" stoplight on La Costa Ave. This occurs primarily when eastbound La Costa Ave traffic queues up to turn left into the park and ride, which unfortunately coincides with the AM and PM traffic peaks.

In this situation, approximately 4 cars can fit in the right lane of westbound La Costa Ave (to get onto the northbound I-5 onramp), before the left turners behind them get backed up into the Piraeus / La Costa intersection. As a result, sometimes drivers attempting to turn left from Piraeus northbound to the right lane of La Costa westbound have to wait for more than one (long) cycle of the light before they can make their turn, or they turn left into a different lane, and try to quickly move to the right when the Park and Ride light changes. This both exacerbates the problem listed above and increases the risk to cyclists in the westbound bike lane on La Costa Ave. (The bike lane on westbound La Costa Ave crosses the automobile right turn lane to get onto northbound I-5; in the same stretch where cars are trying to move right in the above scenario.)

5-14

An improvement may be as simple as adjusting the timing of the westbound La Costa Ave light at the Park and Ride so that it stays green longer while the Piraeus northbound traffic is turning left. This should approximately double the number of cars that could turn left from Piraeus to La Costa Ave in a single cycle of the light (before they are stopped by the light at the northbound I-5 onramp). Optimizing the light timing at the onramp to coincide with the other two lights might eliminate this particular backup on La Costa Ave.

2.2. Another bottleneck exists at the corner of southbound Urania and Leucadia Blvd. Since Piraeus southbound no longer goes through to Leucadia Blvd, southbound Piraeus traffic is diverted up Normandy (or other small parallel residential streets), then to Urania southbound. From southbound Urania, drivers seeking to get to the I-5 freeway must make a right turn onto Leucadia westbound, and those that are southbound must quickly get into the left lane. At peak times they often can't do so, at least not without waiting for more than one cycle of the light. (This is due to the backup of cars on Westbound Leucadia Blvd attempting to go south on I-5.) As in the case above, the turn lanes on Urania are very short, so all the traffic queues up.

5-15

2.2.1. Urania is already developed along this stretch, so road changes (analogous to the one suggested in 2.1.1 above) are probably impractical. However, it may be worthwhile to:

2.2.1.1. Restrict parking in the right turn lane of southbound Urania to westbound Leucadia Blvd. to non-peak hours. Currently parking is unrestricted, and a single parked car or truck can block the entire

be adjusted to remain green for a longer period of time, thereby allowing more vehicles on northbound Piraeus Street to turn left.

Response:

Refer to Master Response 1 and Response 5-12, above.

5-15

Comment Summary:

The commenter explains that traffic congestion also occurs at the intersection of Urania Avenue and Leucadia Boulevard. The commenter suggests that parking be restricted to non-peak hours in the right turn lane of southbound Urania Avenue or that parking spaces be removed along the western side southbound Urania Street. The commenter also recommends investigating if traffic light timing can be adjusted to improve traffic congestion that occurs along Leucadia Boulevard towards I-5.

Response:

Please refer to Master Response 1 and Response 5-12, above.

right turn lane. Alternatively, eliminate a couple of parking spaces on the west side of southbound Urania proximate to Leucadia Blvd, and restripe the street to allow for both straight through traffic, and a proper right turn lane.

5-15
cont'd

2.2.1.2. Study the signal timing to see if better flow can be achieved to relieve the backup of westbound traffic on Leucadia Blvd. at the lights approaching I-5.

2.3. During student pick-up and drop-off times, traffic backs up in all directions around Capri Elementary School. In particular, (as relates to Piraeus Point) the backup extends north down Caudor street, toward Plato, so that southbound traffic through the neighborhood gets gridlocked. This bottleneck is related to a long history of development decisions which restrict traffic flow around the school (e.g. blocking off Burgundy St. in the 1700 block north of Capri Elementary School and blocking off the connection between Burgundy and Urania to the south, also Blocking off Rainbow Ridge Ln at the south end of Capri Elementary, and blocking off southbound Piraeus before Leucadia Blvd. More recently, the negative impacts of these decisions were compounded by a dramatic increase in the number of cars going to the school due to elimination of school busses. The cumulative effects of these impediments to mobility can only be further exacerbated by the high density of the proposed Piraeus Point development.

5-16

2.3.1. One obvious mitigation is to extend the walking path from Piraeus Point, up Plato (east) so that it connects with the existing walkway to Capri Elementary (as detailed in 1.1 above).

2.3.2. Further, I would urge the city to coordinate development planning with the school board. If an elementary school is built on the school board property on Quail Gardens Drive, south of Leucadia Blvd., it might reduce some of the school crowding and traffic issues associated with this and other proposed nearby developments (e.g. the Clark Street Project).

3. **PARKING:** The off-street parking within the project plan is substantially below what is historically required for development in Encinitas as stipulated in code 30.54.030 (absent Ordinance 2021-12 the R-30 overlay parking provision), a deficiency of 94 spaces (Ref Appendix 3). Presumably the 30.54.030 code is based on historically projected usage and therefore represents a somewhat reasonable expectation of actual needs – absent some other factor that would significantly diminish parking demand (such as proximity to public transit, stores, etc.). Unlike some other locations, there is no public transit near the Piraeus Point site, and there is no safe and legal on-street parking on the adjacent streets to act as “overflow parking” for homeowners and their guests. Therefore, the impact of insufficient parking within the development will most likely be spillover to on-street parking, wherever it can be found. Given the narrow width of nearby (non-conforming) residential streets, this is likely to create a hazard to pedestrians and motorists, and a degradation of mobility. Ignoring this “reasonably foreseeable” risk to public safety is ill-advised, especially when the deficiency has been repeatedly reported, and several mitigations are available.

5-17

Mitigations might include any or all of the following:

3.1. Obviously the project could be redesigned with fewer units which would reduce most of the negative impacts, and could allow more space for parking, and perhaps green space or public spaces for residents.

3.2. Normally, “undergrounding” the existing overhead utilities along the east side of the subject property would be a requirement pursuant to Encinitas Municipal Code Section 23.36.120. If this is done, then, with proper grading, several additional off-street parking spaces might be created along the eastern end of the driveways between the buildings. (i.e. Rather than needing the entire utility easement to be kept clear, SDG&E could gain unrestricted access to the “underground utility pull points” via the driveways within the project – that are

5-18

5-16

Comment Summary:

The commenter explains the traffic congestion that occurs in the vicinity of Capri Elementary School during pick up and drop off times and feels that project implementation would worsen this issue. The commenter suggests creating a sidewalk extension along Plato Place to the elementary school and collaborating with the local school board to potentially build a new school on the board’s property located on Quail Gardens Drive.

Response:

Please refer to Master Responses 1, 2, and 3. The conditions described are experienced at present, and the proposed project is not anticipated to generate a large number of new elementary school-aged children that would substantially exacerbate existing conditions.

The City is aware of the absence of existing sidewalk facilities in the area that the project could connect to. The project proposes construction of sidewalks along its frontage on Piraeus Street and Plato Place to enhance the existing pedestrian circulation system and to allow future sidewalk improvements in the area to connect to those constructed with the project. No roadway or intersection improvements are required or proposed with the project to reduce congestion and queueing during peak drop-off and pick-up times at Capri Elementary, as this is not an environmental issue that requires consideration under CEQA. Refer also to EIR Section 3.12, Transportation.

5-17

Comment Summary:

The commenter asserts that the project would provide 94 fewer parking spaces than what is historically required by City Municipal Code 30.54.030. The commenter also expresses concern over the lack of transit facilities near the project site and the lack of safe and legal street parking that could otherwise accommodate residents of the project site and their guests. The commenter feels that the project does not provide enough parking spaces which would result in residents and guests parking on local streets and associated public safety and mobility concerns.

right turn lane. Alternatively, eliminate a couple of parking spaces on the west side of southbound Urania proximate to Leucadia Blvd, and restripe the street to allow for both straight through traffic, and a proper right turn lane.

5-15
cont'd

2.2.1.2. Study the signal timing to see if better flow can be achieved to relieve the backup of westbound traffic on Leucadia Blvd. at the lights approaching I-5.

2.3. During student pick-up and drop-off times, traffic backs up in all directions around Capri Elementary School. In particular, (as relates to Piraeus Point) the backup extends north down Caudor street, toward Plato, so that southbound traffic through the neighborhood gets gridlocked. This bottleneck is related to a long history of development decisions which restrict traffic flow around the school (e.g. blocking off Burgundy St. in the 1700 block north of Capri Elementary School and blocking off the connection between Burgundy and Urania to the south, also Blocking off Rainbow Ridge Ln at the south end of Capri Elementary, and blocking off southbound Piraeus before Leucadia Blvd. More recently, the negative impacts of these decisions were compounded by a dramatic increase in the number of cars going to the school due to elimination of school busses. The cumulative effects of these impediments to mobility can only be further exacerbated by the high density of the proposed Piraeus Point development.

5-16

2.3.1. One obvious mitigation is to extend the walking path from Piraeus Point, up Plato (east) so that it connects with the existing walkway to Capri Elementary (as detailed in 1.1 above).

2.3.2. Further, I would urge the city to coordinate development planning with the school board. If an elementary school is built on the school board property on Quail Gardens Drive, south of Leucadia Blvd., it might reduce some of the school crowding and traffic issues associated with this and other proposed nearby developments (e.g. the Clark Street Project).

3. PARKING: The off-street parking within the project plan is substantially below what is historically required for development in Encinitas as stipulated in code 30.54.030 (absent Ordinance 2021-12 the R-30 overlay parking provision), a deficiency of 94 spaces (Ref Appendix 3). Presumably the 30.54.030 code is based on historically projected usage and therefore represents a somewhat reasonable expectation of actual needs – absent some other factor that would significantly diminish parking demand (such as proximity to public transit, stores, etc.). Unlike some other locations, there is no public transit near the Piraeus Point site, and there is no safe and legal on-street parking on the adjacent streets to act as “overflow parking” for homeowners and their guests. Therefore, the impact of insufficient parking within the development will most likely be spillover to on-street parking, wherever it can be found. Given the narrow width of nearby (non-conforming) residential streets, this is likely to create a hazard to pedestrians and motorists, and a degradation of mobility. Ignoring this “reasonably foreseeable” risk to public safety is ill-advised, especially when the deficiency has been repeatedly reported, and several mitigations are available.

5-17

Mitigations might include any or all of the following:

3.1. Obviously the project could be redesigned with fewer units which would reduce most of the negative impacts, and could allow more space for parking, and perhaps green space or public spaces for residents.

3.2. Normally, “undergrounding” the existing overhead utilities along the east side of the subject property would be a requirement pursuant to Encinitas Municipal Code Section 23.36.120. If this is done, then, with proper grading, several additional off-street parking spaces might be created along the eastern end of the driveways between the buildings. (i.e. Rather than needing the entire utility easement to be kept clear, SDG&E could gain unrestricted access to the “underground utility pull points” via the driveways within the project – that are

5-18

Response:

Please refer to Master Response 1.

5-18

Comment Summary:

The commenter provides suggestions to address insufficient onsite parking provided by the project. These suggestions include reducing the number of units developed; undergrounding existing overhead utilities and creating additional street parking with the additional space, which may also reduce fire risks and “possibly improve some views;” and altering the existing right of way along Piraeus Street to provide for street parking. The commenter feels that the City could make approval of the proposed right-of-way vacation dependent on the applicant providing more on- or offsite parking.

Response:

Please refer to Master Response 1.

already designated as “keep clear” fire lanes.). Presumably undergrounding would also reduce fire risk (this site is currently deemed “high risk”), and possibly improve some views.

Lennar has requested an exception (concession or waiver) to the undergrounding requirement (ref. EIR Chap 3.0, section 3.1 Aesthetics, 3.1.49). If this incentive is granted, it reduces the feasibility of using part of the utility easement for parking.

3.3. The Piraeus St. right-of-way, at the west side of the property, could be re-imagined, to allow some on-street parking. Although this on street parking is definitely not a preferred solution to inadequate parking within the development, it is probably preferable (i.e. less impactful on mobility and safety) to on-street parking on any of the narrow (non-conforming) nearby neighborhood streets. Perhaps the City’s granting of almost an acre of Right-of-Way Vacation to the developer, which is already included as part of this plan, could be contingent upon additional on or off-street parking. This cost shifting is almost certainly not what Lennar would wish for, but it appropriately delegates the cost of some improvements made necessary by the proposed development.

4. Regarding the EIR Transportation Study - VMT and GHG Reduction, parts of this make little sense to me:

4.1. In EIR chapter 9.0 Appendix K, Table 3.2, Item T-18, the study states that: “Provid(ing) Pedestrian Network Improvement” in the form of sidewalk coverage, encourages a “mode shift” resulting in a “reduction in VMT and GHG emissions” of “0.0% to 6.4%”, and classifies this as “Feasible”.

For anything greater than a 0.0% reduction to be achieved, wouldn’t the sidewalks have to connect points where people wish to travel?

The current plan calls for “sidewalks to nowhere”. To achieve VMT and GHG emission reductions, implement 1.1 above. Consider extending the Piraeus sidewalk north to La Costa Ave as well, and/or south to Orpheus Park or Leucadia Blvd.

4.2. The Transportation Impact Study (EIR Chapter 9.0, Appendix K, Table 3.2, item T-4) claims that “Integrat(ion of) Affordable and Below Market Rate Housing”, in the form of deed restricted units, provides a “Potential Reduction” of “0.0%-28.6%” in “Project VMT”.

Since only 10% of the units are “inclusionary”, wouldn’t a modest 10% VMT reduction require all occupants of the inclusionary units to have VMT = 0, or is this VMT reduction range simply a consequence of higher residential density? If the latter, wasn’t it already accounted for in item T-1 (same EIR table)?

5-18
cont’d

5-19

5-20

5-19

Comment Summary:

The commenter questions information provided in Table 3.2 of EIR Appendix K (Transportation Impact Study). The commenter states that Item T-18, Providing Pedestrian Network Improvement, is identified as “Feasible” and would result in a VMT reduction of 0.0 to 6.4 percent. The commenter expresses that in order to achieve such a reduction, sidewalks would need to connect to existing facilities, which would not be the case for the sidewalks constructed as part of the proposed project. The commenter suggests that the proposed sidewalk along Plato Place be extended to Caudor Street and the proposed sidewalk along Piraeus Street be extended to La Costa Avenue and/or to Orpheus Park or Leucadia Park.

Response:

The commenter incorrectly quotes the Transportation Impact Study (Appendix K of the EIR), which states that Measure T-18 (Provide Pedestrian Network Improvement) of Table 3-2 (VMT Impact Feasible Mitigation) would potentially reduce Community VMT by 0.0 to 6.4 percent, not VMT and GHG emissions by 0.0 to 6.4 percent, as the commenter states. The Transportation Impact Study identifies Measure T-18 as a feasible TMD measure because the project proposes construction of over 1,100 linear feet of new sidewalk facilities along Piraeus Street and Plato Place. As stated in Table 3.3 (TDM Reduction Calculation) of the Transportation Impact Study, the potential and assumed reduction for Item T-18 was determined to be 0 percent because no pedestrian facilities currently exist in the area. Therefore, no reduction in VMT was assumed from the project’s proposed construction of sidewalk facilities along Piraeus Street and Plato Place.

The City is aware of the absence of existing sidewalk facilities in the area that the project could connect to. The project proposes construction of sidewalks along its frontage on Piraeus Street and Plato Place to enhance the existing pedestrian circulation system and to allow for future sidewalk improvements in the area to connect to those constructed with the project.

Preface and Responses to Comments

already designated as “keep clear” fire lanes.). Presumably undergrounding would also reduce fire risk (this site is currently deemed “high risk”), and possibly improve some views.

Lennar has requested an exception (concession or waiver) to the undergrounding requirement (ref. EIR Chap 3.0, section 3.1 Aesthetics, 3.1.49). If this incentive is granted, it reduces the feasibility of using part of the utility easement for parking.

3.3. The Piraeus St. right-of-way, at the west side of the property, could be re-imagined, to allow some on-street parking. Although this on street parking is definitely not a preferred solution to inadequate parking within the development, it is probably preferable (i.e. less impactful on mobility and safety) to on-street parking on any of the narrow (non-conforming) nearby neighborhood streets. Perhaps the City’s granting of almost an acre of Right-of-Way Vacation to the developer, which is already included as part of this plan, could be contingent upon additional on or off-street parking. This cost shifting is almost certainly not what Lennar would wish for, but it appropriately delegates the cost of some improvements made necessary by the proposed development.

4. Regarding the EIR Transportation Study - VMT and GHG Reduction, parts of this make little sense to me:

4.1. In EIR chapter 9.0 Appendix K, Table 3.2, Item T-18, the study states that: “Provid(ing) Pedestrian Network Improvement” in the form of sidewalk coverage, encourages a “mode shift” resulting in a “reduction in VMT and GHG emissions” of “0.0% to 6.4%”, and classifies this as “Feasible”.

For anything greater than a 0.0% reduction to be achieved, wouldn’t the sidewalks have to connect points where people wish to travel?

The current plan calls for “sidewalks to nowhere”. To achieve VMT and GHG emission reductions, implement 1.1 above. Consider extending the Piraeus sidewalk north to La Costa Ave as well, and/or south to Orpheus Park or Leucadia Blvd.

4.2. The Transportation Impact Study (EIR Chapter 9.0, Appendix K, Table 3.2, item T-4) claims that “Integrat(ion of Affordable and Below Market Rate Housing”, in the form of deed restricted units, provides a “Potential Reduction” of “0.0%-28.6%” in “Project VMT”.

Since only 10% of the units are “inclusionary”, wouldn’t a modest 10% VMT reduction require all occupants of the inclusionary units to have VMT = 0, or is this VMT reduction range simply a consequence of higher residential density? If the latter, wasn’t it already accounted for in item T-1 (same EIR table)?

5-18
cont’d

5-19

5-20

5-20

Comment Summary:

The commenter references the Transportation Impact Study prepared for the EIR (Appendix K of the EIR) and notes how Table 3.2, Item T-4 notes that integrating affordable and flow market rate housing has the potential to reduce project VMT by 0.0 to 28.6 percent. The commenter questions whether a 10 percent reduction is more appropriate, since 10 percent of the total proposed units would be inclusionary units, and whether this means that residents of the inclusionary units would need to have a VMT of 0.

Response:

Table 3.2 of the Transportation Impact Study prepared by Intersecting Metrics (2022; EIR Appendix K) reviews each of the individual TDM measures included in the CAPCOA GHG Handbook and identifies whether the TDM measure would be applicable to the proposed project. As shown, TDM T-1, Increase Residential Density, and TDM T-4, Integrate Affordable and Below market Rate Housing, are two individual measures that allow for reductions in VMT to be taken.

Section 3.3, TDM Program Effectives, provides a discussion of how the VMT related reductions associated with each of the measures identified were calculated. As shown in Section 3.3 of the TIS, as the exact amount of additional reduction cannot be accurately calculated, to be conservative, no density reduction was assumed for TDM T-1 for the purposes of the CEQA analysis. As the proposed project would include 15 “very low” income affordable dwelling units, or approximately 10 percent of the total number of units, a 2.86 percent reduction in VMT for the project site was calculated for TDM T-4 using the methodologies provided within CAPCOA’s GHG Handbook (Affordable Project Units or 15 units) X -28.6 = 2.86 percent VMT Reduction). Therefore, the VMT reduction taken was 2.86 percent, not 10 percent (or higher) based on the number of affordable income units provided. The reduction taken is not dependent upon, nor does it require or assume that, residents of the inclusionary units would need to have a VMT of 0, as suggested by the commenter.

Appendix 1 – Some sections of the “Land Use Element” and “Circulation Element” which contraindicate this project.

Land Use Element:

<https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20May%202018/Appdx%20E%20Relevant%20GP%20Policies.pdf>

2 . 1 . 2 . Prevent the urbanization of our small town character and maintain the individual character of our five unique communities.

2 . 1 . 3 . Ensure infrastructure and public benefits, such as schools, parks, roads, sewer, and water facilities, are adequately planned and funded prior to approving any increase in zoning.

2 . 1 . 4 . Preserve our community' s zoning and property rights in perpetuity, if we so choose.
This measure does not limit development as currently permitted under existing vested property rights of land owners. It entrusts the protection of the community' s shared property rights, including the final approval on proposed increased zoning densities, to the majority vote of the Voters of Encinitas.

*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. (Coastal Act/30250)

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development. (Coastal Act/30252)

Circulation Element-5

Policy 2.4: “When considering circulation patterns and standards, primary consideration will be given to the preservation of character and safety of existing residential neighborhoods. When conflicts arise between convenience of motorists and neighborhood safety/community character preservation, the latter will have first priority.”

5-21

5-21

Comment Summary:

The commenter provides an “Appendix 1” to their comment letter which includes a list of policies and objectives from the City’s General Plan Land Use Element and Circulation Element.

Response:

The information provided does not identify specific concerns relevant to the proposed project or how the project is inconsistent with the policies and objectives provided. The information provided does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

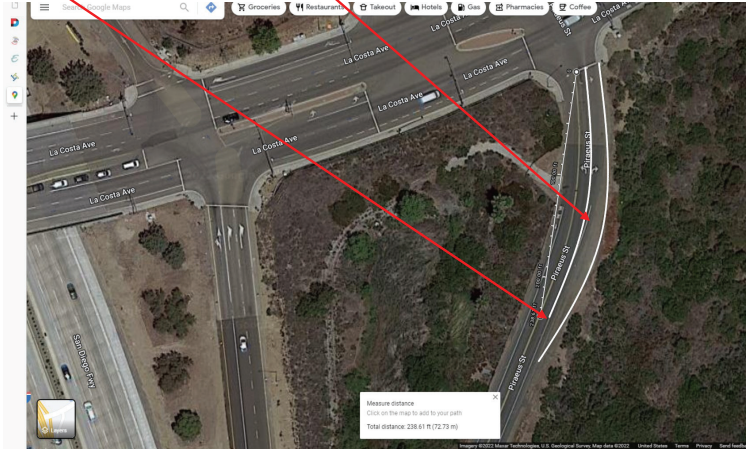
Preface and Responses to Comments

Appendix 2- Possible TRAFFIC MITIGATION: Piraeus northbound at La Costa Ave.

Google Maps view of Piraeus St intersection with La Costa Ave. Overlaid measuring scale shows the EXISTING approximately 100-foot-long turn lanes on Piraeus, which cause a backup queue once 4 or 5 cars are in the left turn lane.



Google Maps view of Piraeus St intersection with La Costa Ave. Overlaid measuring scale and white lines shows SUGGESTED FUTURE paving of the shoulder to allow extension of the turn lanes to approximately 250 feet in length to reduce the queue that forms at peak traffic times.



5-22

5-22

Comment Summary:

The commenter provides an “Appendix 2” to their comment letter which includes figures illustrating the commenter’s suggested roadway improvements (paving of shoulder, extension of turn lanes) at the intersection of Piraeus Street and La Costa Avenue.

Response:

The commenter’s suggestions for roadway improvements at the identified intersection are noted for the record. Such improvements are not identified by the City as being required to alleviate any project impacts. The potential for intersection queueing to occur is not an environmental issue subject to evaluation per CEQA requirements. All proposed improvements for access and circulation would occur in conformance with applicable engineering design requirements to ensure that public safety and adequate vehicular circulation are maintained with project implementation.

Appendix 3 - Piraeus Point Parking Calculations, Deficiency & Key Take-Aways:

Parking Requirement Calculations for Piraeus Point: Case No: MULTI-005158-2022

	1Br	2Br	3Br	Guest	TOTAL UNITS	Resident Spaces	Guest Spaces	TOTAL SPACES REQUIRED
Number of Units	52	37	60	----	149			
Required Parking Spaces per unit per Encinitas CA Municipal Code Chap 30.54.030	2	2	2.5	0.25		328	37.25	365.25

Applying Ordinance 2021-12 to all the units (market rate and inclusionary) yields the following minimum requirements:

	1	1.5	1.5	0				
Required Parking Spaces per unit per Ordinance 2021-12 (for "Inclusionary Housing Units").	1	1.5	1.5	0		197.5	0	197.5

	1	2	2	----				
Lennar Homes current plan for Piraeus Point (as Jan 2023)	1	2	2	----		246	25	271

- 1) Encinitas Code 30.54.030 was developed to assure that sufficient parking is provided for residents and guests in new developments. It would require a minimum of 365+ off-street parking spaces to be included in the Piraeus Point plans, 328 resident spaces and 37.25 guest spaces.
- 2) Encinitas Ordinance 2021-12 incentivizes developers to provide "inclusionary" (i.e. low cost or very low cost" units) by reducing the required off-street parking in a development if inclusionary units are part of a project. For Piraeus Point, by providing 15 "inclusionary" units the total number of spaces required is 198, a reduction of 167 spaces.
- 3) Lennar Homes is planning for 271 parking spaces in this project, which exceeds the 198 required under the (density bonus) Ordinance 2021-12, but is still 94 short of the projected needs of residents and guests.
- 4) At this site, there is no public transit in the vicinity, so the assumption that residents and guests won't require the "usual" number of parking spaces has no rational basis.
- 5) At this site, there is no safe and legal on-street parking available nearby. Where will the projected overflow of 94 vehicles go?

At this site, the foreseeable and predictable consequence of planning insufficient parking constitutes a threat to public safety and mobility.

References:

- 1) https://library.qcode.us/lib/encinitas_ca/pub/municipal_code/item/title_30-chapter_30_54-30_54_030
- 2) https://content.qcode.us/lib/encinitas_ca/alerts/documents/ordinance_2021_12.pdf
- 3) <https://ceganet.opr.ca.gov/2022050516>
- 4) California State Density Bonus Law, Government Code 65915
<https://www.novato.org/home/showpublisheddocument/31315/637322464237470000>

5-23

Comment Summary:

The commenter provides an "Appendix 3" to their comment letter, which calculates parking requirements for the project per Municipal Code Chapter 30.54.030 and City Ordinance 2021-12. The commenter notes that per Municipal Code Chapter 30.54.030, the project would be required to provide a minimum of 365 parking spaces. The commenter also notes that per Ordinance 2021-12, which is intended to incentivize the development of inclusionary housing by reducing onsite parking requirements, the project would be required to provide approximately 198 spaces (167 spaces less than required by Municipal Code Chapter 30.54.030). The commenter implies that Municipal Code Chapter 30.54.030 requirements reflect a more accurate calculation of the onsite parking spaces needed for residents and guests. The commenter also questions whether the proposed number of parking spaces is adequate, considering the lack of public transit in the area, and where additional vehicles would park, given that the project as proposed does not provide adequate parking when considering the projected needs of residents.

Response:

Please refer to Master Response 1. Parking is not an environmental issue of concern relevant to CEQA. The project as proposed is consistent with applicable parking requirements and subject to the City's discretionary review process to ensure conformance with applicable regulations pertaining to the provision of parking for future project residents and their guests.

5-24

Comment Summary:

The commenter asserts that insufficient parking resulting with the project as proposed would compromise public safety and mobility.

Response:

Please refer to Master Response 1.

5-23

5-24

5-25

Preface and Responses to Comments

Appendix 3 - Piraeus Point Parking Calculations, Deficiency & Key Take-Aways:

Parking Requirement Calculations for Piraeus Point: Case No: MULTI-005158-2022

	1Br	2Br	3Br	Guest	TOTAL UNITS	Resident Spaces	Guest Spaces	TOTAL SPACES REQUIRED
Number of Units	52	37	60	----	149			
Required Parking Spaces per unit per Encinitas CA Municipal Code Chap 30.54.030	2	2	2.5	0.25		328	37.25	365.25

Applying Ordinance 2021-12 to all the units (market rate and inclusionary) yields the following minimum requirements:

	1	1.5	1.5	0				
Required Parking Spaces per unit per Ordinance 2021-12 (for "Inclusionary Housing Units").	1	1.5	1.5	0		197.5	0	197.5

	1	2	2	----				
Lennar Homes current plan for Piraeus Point (as Jan 2023)	1	2	2	----		246	25	271

- 1) Encinitas Code 30.54.030 was developed to assure that sufficient parking is provided for residents and guests in new developments. It would require a minimum of 365+ off-street parking spaces to be included in the Piraeus Point plans, 328 resident spaces and 37.25 guest spaces.
- 2) Encinitas Ordinance 2021-12 incentivizes developers to provide "inclusionary" (i.e. low cost or very low cost" units) by reducing the required off-street parking in a development if inclusionary units are part of a project. For Piraeus Point, by providing 15 "inclusionary" units the total number of spaces required is 198, a reduction of 167 spaces.
- 3) Lennar Homes is planning for 271 parking spaces in this project, which exceeds the 198 required under the (density bonus) Ordinance 2021-12 , but is still 94 short of the projected needs of residents and guests.
- 4) At this site, there is no public transit in the vicinity, so the assumption that residents and guests won't require the "usual" number of parking spaces has no rational basis.
- 5) At this site, there is no safe and legal on-street parking available nearby. Where will the projected overflow of 94 vehicles go?

At this site, the foreseeable and predictable consequence of planning insufficient parking constitutes a threat to public safety and mobility.

References:

- 1) https://library.qcode.us/lib/encinitas_ca/pub/municipal_code/item/title_30-chapter_30_54-30_54_030
- 2) https://content.qcode.us/lib/encinitas_ca/alerts/documents/ordinance_2021_12.pdf
- 3) <https://ceganet.opr.ca.gov/2022050516>
- 4) California State Density Bonus Law, Government Code 65915 <https://www.novato.org/home/showpublisheddocument/31315/637322464237470000>

5-25

Comment Summary:

The commenter provides a list of references for their comment letter.

Response:

This comment is for informational purposes and does not raise an environmental concern pursuant to the provisions of CEQA. No further response is required.

5-23

5-24

5-25

From: Elizabeth Bishop <elizabeth.bishop@ymail.com>
Sent: Sunday, February 5, 2023 5:19 PM
To: Nick Koutoufidis
Cc: Allison Blackwell; City Clerk
Subject: Written Comment Re: Project Name: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

The Piraeus Point Project, will have a negative impact on our neighborhood in many different areas. The traffic getting to the freeway and on the freeway will be a nightmare by the increased traffic. In a very short time cars will be backed up on Piraeus trying in to get on the freeway or onto La Costa Ave. The local schools will be impacted with overcrowded classrooms which have been shown, by many studies, that report issues such as: lower grades, students who are struggling fall behind, quality of learning decreases and greater tensions and conflicts erupt more frequently among students. Utilities and public service will also be over-loaded on a system that cannot handle more the way it is now functioning.

6-1

I hope you will listen to the very legitimate comments of the people who live here

6-2

Sincerely,
Elizabeth Bishop

6 Elizabeth Bishop

6-1

Comment Summary:

The commenter expresses concern regarding increased traffic congestion along Piraeus Street that would occur as a result of project-generated vehicles traveling to the highway, along the highway, and to La Costa Avenue. The commenter also asserts that local schools would be overcrowded due to project-generated students which would negatively impact students' school experiences, and that utilities and public services would become overloaded.

Response:

Please refer to Master Responses 1, 2, and 3. Refer also to EIR Sections 3.11, Public Services and Recreation; 3.12, Transportation; and, 3.14, Utilities and Service Systems.

6-2

Comment Summary:

The commenter requests that the City consider the concerns of residents of the surrounding area.

Response:

This comment does not raise a specific environmental issue of concern relevant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
760.633.2692

2/3/23

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022;
SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No.
2022050516)

There are several issues I have with the proposed development. They are planning to build 149 units however only 271 parking spaces. This is unacceptable, they will not be able to park all the cars in the parking area and will spill out into the street. There is no parking available on Piraeus. This means they will flood the neighborhood with cars in front of neighboring homes. This development is not optimal for this neighborhood. This has not been fully addressed, as everyone has more than one vehicle, sometimes multiple. The statement that the impact seems to favor the project yet is no one is addressing how they can help the traffic issue or the safety fire issue with too many cars trying to get out on a street that is not equipped to handle the traffic. So many vehicles all of a sudden on the street will make even driving to work in the morning a longer commute, waiting for others going to work. I expect the need to leave 15 minutes earlier, huge impact, dangerous!

SIGNIFICANT ENVIRONMENTAL EFFECTS ANTICIPATED AS A RESULT OF THE PROJECT: The Draft EIR concludes that the project would not result in significant environmental impacts with the incorporation of mitigation measures for air quality, biological resources, cultural resources, geology and soils (paleontology), noise, tribal cultural resources, and wildfire. Based on the EIR analysis, transportation impacts related to vehicle-miles-traveled cannot be mitigated to less than significant levels. Therefore, transportation impacts are significant and unavoidable.

There is also the concern that people, including children will be walking up Plato to school with no sidewalk and that is already a narrow street. This has not been addressed.

Currently there is no street lighting on either Piraeus St. or Plato, this is not addressed in anything that we have seen up to this point?

If there were to be a fire and evacuation the number of vehicles that would instantly try to exit onto Piraeus St. would make getting out of the neighborhood very challenging. There is nothing addressing the safety issue.

Sincerely, Charlene Buckalew

1720 Barbara Lane
Encinitas, 92024

7-1
7-2
7-3
7-4
7-5

7 Charlene Buckalew

7-1

Comment Summary:

The commenter asserts that the number of parking spaces proposed for the project would not be sufficient, and that project residents would need to park along local roadways as a result. The commenter also expresses concern regarding traffic congestion and safety issues, including relative to emergency response (e.g., fire), due to the increase in cars on local roadways.

Response:

Please refer to Master Response 1 relative to traffic and parking. The project does not require or propose offsite roadway or intersection improvements due to the addition of project-generated traffic.

As discussed in EIR Section 3.7, Hazards and Hazardous Materials, activities associated with the project are not anticipated to impede the free movement of emergency response vehicles, as well as other vehicles, along local roadways. The project site is not identified as being located along an established evacuation route, and therefore, would not be anticipated to interfere with emergency response in this regard. As discussed in EIR Section 3.15, Wildfire, a Fire Protection Plan was prepared by FIREWISE 2000, Inc. (FIREWISE 2022; EIR Appendix O), and no significant impacts were identified relative to emergency evacuation. During project operations, existing offsite roadways would be adequate to serve the development for purposes of evacuation in the event of a wildfire or other emergency. The project would not interfere with the ability of the San Diego County Sheriff’s Department, which serves the project site, to safely evacuate the area in the event of an emergency. The project is subject to approval by the City’s Planning Division to ensure that public safety and adequate vehicular circulation can be maintained over the long term. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan; impacts were determined to be less than significant.

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
760.633.2692

2/3/23

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022;
SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No.
2022050516)

There are several issues I have with the proposed development. They are planning to build 149 units however only 271 parking spaces. This is unacceptable, they will not be able to park all the cars in the parking area and will spill out into the street. There is no parking available on Piraeus. This means they will flood the neighborhood with cars in front of neighboring homes. This development is not optimal for this neighborhood. This has not been fully addressed, as everyone has more than one vehicle, sometimes multiple. The statement that the impact seems to favor the project yet is no one is addressing how they can help the traffic issue or the safety fire issue with too many cars trying to get out on a street that is not equipped to handle the traffic. So many vehicles all of a sudden on the street will make even driving to work in the morning a longer commute, waiting for others going to work. I expect the need to leave 15 minutes earlier, huge impact, dangerous!

SIGNIFICANT ENVIRONMENTAL EFFECTS ANTICIPATED AS A RESULT OF THE PROJECT: The Draft EIR concludes that the project would not result in significant environmental impacts with the incorporation of mitigation measures for air quality, biological resources, cultural resources, geology and soils (paleontology), noise, tribal cultural resources, and wildfire. Based on the EIR analysis, transportation impacts related to vehicle-miles-traveled cannot be mitigated to less than significant levels. Therefore, transportation impacts are significant and unavoidable.

There is also the concern that people, including children will be walking up Plato to school with no sidewalk and that is already a narrow street. This has not been addressed.

Currently there is no street lighting on either Piraeus St. or Plato, this is not addressed in anything that we have seen up to this point?

If there were to be a fire and evacuation the number of vehicles that would instantly try to exit onto Piraeus St. would make getting out of the neighborhood very challenging. There is nothing addressing the safety issue.

Sincerely, Charlene Buckalew

1720 Barbara Lane
Encinitas, 92024

7-1

7-2

7-3

7-4

7-5

7-2

Comment Summary:

The commenter summarizes conclusions of the EIR regarding impacts to air quality, biological resources, cultural resources, geology and soils (paleontology), noise, tribal cultural resources, and wildfire. The commenter also notes that transportation impacts (related to VMT) would be significant and unavoidable.

Response:

This comments provided simply restate significance findings as stated in the EIR. The comment does not raise a specific environmental issue nor do they address the adequacy of the EIR. No further response is required.

7-3

Comment Summary:

The commenter expresses concern that pedestrian travel in the vicinity of the project site, including children walking along Plato Place to school, and the lack of a sidewalk system has not been addressed.

Response:

Please refer to Master Response 1.

7-4

Comment Summary:

The commenter states that the lack of existing street lighting on Piraeus Street and Plato Place has not been addressed thus far.

Response:

The project proposes to install lighting at the project access driveways off of Piraeus Street and Plato Place to identify the project entrance and to provide safe ingress and egress. The installation of street lighting along Piraeus Street or Plato Place is not required or proposed as part of the required improvements. The lack of street lighting along these roadways is an existing condition and is not required to be remedied by the project applicant. All project lighting would be in conformance with the City's

Preface and Responses to Comments

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
760.633.2692

2/3/23

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022;
SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No.
2022050516)

There are several issues I have with the proposed development. They are planning to build 149 units however only 271 parking spaces. This is unacceptable, they will not be able to park all the cars in the parking area and will spill out into the street. There is no parking available on Piraeus. This means they will flood the neighborhood with cars in front of neighboring homes. This development is not optimal for this neighborhood. This has not been fully addressed, as everyone has more than one vehicle, sometimes multiple. The statement that the impact seems to favor the project yet is no one is addressing how they can help the traffic issue or the safety fire issue with too many cars trying to get out on a street that is not equipped to handle the traffic. So many vehicles all of a sudden on the street will make even driving to work in the morning a longer commute, waiting for others going to work. I expect the need to leave 15 minutes earlier, huge impact, dangerous!

SIGNIFICANT ENVIRONMENTAL EFFECTS ANTICIPATED AS A RESULT OF THE PROJECT: The Draft EIR concludes that the project would not result in significant environmental impacts with the incorporation of mitigation measures for air quality, biological resources, cultural resources, geology and soils (paleontology), noise, tribal cultural resources, and wildfire. Based on the EIR analysis, transportation impacts related to vehicle-miles-traveled cannot be mitigated to less than significant levels. Therefore, transportation impacts are significant and unavoidable.

There is also the concern that people, including children will be walking up Plato to school with no sidewalk and that is already a narrow street. This has not been addressed.

Currently there is no street lighting on either Piraeus St. or Plato, this is not addressed in anything that we have seen up to this point?

If there were to be a fire and evacuation the number of vehicles that would instantly try to exit onto Piraeus St. would make getting out of the neighborhood very challenging. There is nothing addressing the safety issue.

Sincerely, Charlene Buckalew
1720 Barbara Lane
Encinitas, 92024



requirements for nighttime lighting levels intended to maintain the City's dark skies and minimize potential light pollution and sky glow.

7-5

Comment Summary:

The commenter asserts that emergency evacuation during a fire event would be difficult due to the number of project-related vehicles exiting onto Piraeus Street, and feels that this issue of public safety has not been addressed.

Response:

Refer to Response 7-1, above.

From: Sheila
To: Nick Koutoufidis
Subject: RE: Piraeus Point - MULTI-005158-2022 Draft Environmental Impact Report - Public Review
Date: Thursday, December 8, 2022 3:07:09 PM
Attachments: image001.jpg

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Thank you, Nick, for the notice re the EIR.

I've been meaning to contact you about the lights that the City seems to be requiring on this Piraeus Point project! Leucadia is a Dark Skies Community – and our neighborhood is particularly aware of that – it is clearly stated in our General Plan.

Even though the proposed lights are to have a downward scope – there are way too many of them and I truly do not see the need for them whether they point downward or not! Also, frankly, it seems a total unnecessary expense for the developer – not that I'm pleading their cause but it will affect our neighborhood tremendously and I see no justification for it in either case.

Please consider eliminating these lights in the Piraeus Point!!

Sheila S. Cameron

Sent from [Mail](#) for Windows

From: Nick Koutoufidis
Sent: Thursday, December 8, 2022 2:56 PM
Subject: Piraeus Point - MULTI-005158-2022 Draft Environmental Impact Report - Public Review

Hi there,

Please see the attached Notice of Availability for the Piraeus Point Draft Environmental Impact Report.

PUBLIC REVIEW AND COMMENT PERIOD: A 60-day public review and comment period has been established from **December 9, 2022 to February 6, 2023**. All written comments on the Draft EIR should be clearly itemized and focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Written comments must be submitted by **5:00 p.m. on February 6, 2023** to: Nick Koutoufidis, Development Services Department, City of Encinitas, 505 S. Vulcan Avenue, Encinitas, CA 92024 or via email at nkoutoufidis@encinitasca.gov.

Best,



Nick Koutoufidis, MBA
Development Services Department
505 South Vulcan Ave, Encinitas, CA
P: 760.633.2692

8A-1

8A Sheila S. Cameron

8A-1

Comment Summary:

The commenter references the lights that the City appears to be requiring for the proposed project and notes that the community of Leucadia is a dark skies community, as stated in the General Plan. The commenter states that there are too many lights proposed as part of the project and believes them to be unnecessary, even if the lights would be pointed downward. The commenter indicates that the proposed lighting would adversely impact the neighborhood “tremendously,” and that the proposed lighting seems to be an unnecessary expense for the applicant.

Response:

Refer also to Response 7-4, above. As indicated in EIR Section 3.1, Aesthetics, all project lighting would be consistent with the City’s lighting standards, which require low-level lighting that would not exceed 0.5 foot-candle levels at the property line; light poles at a maximum height of 18 feet in height; and low-level lighting directed downward via 90-degree cutoffs to reduce light overspill onto adjacent properties (including the proposed offsite preserve area adjacent to the north and existing residential uses to the east; refer to EIR Appendix B, Lighting Plan. Consistency with City requirements would ensure the minimization of potential impacts associated with the provision of lighting that may otherwise adversely affect nighttime views in the area.

Preface and Responses to Comments

From: Sheila Cameron <sheilaleucadia@gmail.com>
Sent: Monday, February 6, 2023 3:25 PM
To: Nick Koutoufidis; Brian Grover; David Shepherd
Subject: Piraeus Point EIR

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Nick,

Below are my comments on the Piraeus Point EIR. I have chosen to focus on 3 specific areas of concern and comment on a 4th:

(1) **Coastal California Gnatcatchers** – are a protected species. It appears that there may actually be 4 nesting pairs on this project site. The US Fish and Wildlife statement: "Entirety of the proposed project is within the USFWS designated critical habitat for the Federally listed Coastal California Gnatcatcher (USFUS 2007) Figure 3-1." Wow! At least 4 nesting pairs have been identified on this proposed project site and it is a serious consideration as to what to do!

Even with the donation of the land to the North of this project along Piraeus, I do not see how this will resolve losing these precious and rare Coastal Gnatcatchers along with the loss of their ecologically vital habitat...coastal sage scrub; chamise mission manzanita, and California Sagebrush.

I would like to know what the plan is to accommodate these 4 nesting pairs further north on the mitigated property? Instinct in birds does not seem to accommodate selling their homesite and moving into another condo.

(2) **Lighting** – Leucadia is a designated Dark Skies Community according to the Encinitas General Plan! That is very clear. The lighting plan proposed for this Piraeus Point site violates that section of the Plan. Despite the premise and promise of downward pitched lighting, this plan is ridiculous and totally unnecessary. WHY are you putting in street lights at all? And so many? They will light up everyone’s bedroom windows!

Even downward lights reflect upward on surfaces. Because of the proximity of the Batiquitos Lagoon - a protected resource unique to our area – the Dark Skies Policies were written into our General Plan. Lights in our cities also affect and interfere with

8B Sheila S. Cameron

8B-1

Comment Summary:

The commenter expresses concerns regarding impacts to four nesting pairs of coastal California gnatcatchers identified on the project site and impacts to the species’ habitat. The commenter requests to know how the gnatcatchers that would be relocated from the project site to the offsite preserve area would be accommodated with project implementation.

Response:

As indicated in mitigation measure BIO-4 of EIR Section 3.3, Biological Resources, project-related impacts to two pairs (4 individuals) and their territories would be unavoidable; therefore the project applicant shall obtain US Fish and Wildlife Service approval pursuant to Section 10 of the federal Endangered Species Act for the impacts to the coastal California gnatcatcher prior to the issuance of any grading permits. The onsite preservation of sensitive habitat (mitigation measure BIO-1) would preserve one single male coastal California gnatcatcher territory in place and a small portion of one additional breeding pair’s territory. The preserve area would allow for the safe passage of the two displaced pairs of coastal California gnatcatchers to preserved habitat north of the project site and continuous with open space areas to the north, northeast (which includes at least one additional breeding pair of coastal California gnatcatchers within 500 feet of the offsite preserve area), and to Batiquitos Lagoon State Marine Conservation Area which functions to preserve important coastal-inland wildlife movement. The project shall require development of a Low-Effect Habitat Conservation Plan under Section 10 of the Endangered Species Act.

Mitigation measure BIO-2, Biological Monitoring, a biological monitor shall be present to ensure wildlife species are relocated out of the impact area during ground disturbing activities. The biological monitor would have the right to halt activities if a special-status wildlife species is identified in a work area and is in danger of injury or mortality. Work shall proceed only after any hazard to the individual is removed and the animal is no longer at risk, or the individual has been removed from harm’s way in

8B-1

8B-2

Drive around our Leucadia neighborhoods – you will not find street lights. I suggest you eliminate this proposed lighting plan which is an unnecessary expense for the developer, upkeep by the future residents, and replace that plan with lights on each of the homes that will turn on when a car, person, or animal comes onto the property. That is what most of us have in the neighborhood. It is a safety amenity and fits into the ambiance of the surrounding neighborhood and respects those of us who live here.

8B-2
cont'd

- (3) **Proposed Amenities – Swimming Pool; Rooftop Barbecues** – A swimming pool is an unnecessary amenity in this environment. Our coastal average temperature is 72 degrees. Not really swimming pool weather. It would serve the future residents of Piraeus Point much better to have a dedicated greenspace for a small park for children to be able to play. How and where otherwise are children going to be able to play outside? It would get much more use than any swimming pool.

8B-3

Rooftop Barbecues are not a good choice. They can potentially be a fire hazard, and noise from rooftop parties will carry up through the neighborhoods around them. Please consider putting barbecues in a section of the green space along with some picnic tables. It will present an opportunity for neighbors to meet and mix collegently as well as be near where their children are playing – with other children! You may even be able to put aside a small space for a dog run as well.

8B-4

Please consider these suggestions carefully, they are practical, cost effective and make sense for future residents and the host neighborhood.

- (4) **Archeological Perspective** - I was glad to read that Tribal Monitoring of this site has been proposed by local Native American tribes and will be conducted. The proximity to the Batiqitos Lagoon is of particular importance along its edge as many of the San Diego Native American tribes migrated from the Valleys and Deserts from the East. There was plenty of fish, shellfish, birds, fox, bob cats, deer, and other species and plant habitats to sustain them through the summer seasons. Plenty of proof has been found in the middens and projects along the south side of the Lagoon that tribes seasonally lived here.

8B-5

Respectfully submitted,
Sheila S. Cameron
Sent from [Mail](#) for Windows

2

accordance with the project's permits and/or management/translocation plans.

8B-2

Comment Summary:

The commenter feels that the proposed street lighting for the project violates the General Plan, which states that Leucadia is a dark skies community. The commenter suggests that the project includes lighting along the onsite buildings, and that such lighting only turns on when cars, people, or animals enter the project site. The commenter expresses that this type of lighting is safe and would be more compatible with the surrounding neighborhood.

Response:

Refer to Response 8A-1.

8B-3

Comment Summary:

The commenter feels that the proposed onsite swimming pool is unnecessary due to the climate of the area. The commenter suggests that instead of a swimming pool, this space instead be used as a park for children who would reside at the project site.

Response:

The comments do not raise an environmental concern pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

8B-4

Comment Summary:

The commenter states that residents may utilize rooftop barbeques that may present a fire hazard, and that the rooftop decks would generate potential noise for the surrounding neighborhood. The commenter asks that rooftop barbeques instead be placed at onsite open space, as this would allow residents to interact and children to play with one another.

Preface and Responses to Comments

Drive around our Leucadia neighborhoods – you will not find street lights. I suggest you eliminate this proposed lighting plan which is an unnecessary expense for the developer, upkeep by the future residents, and replace that plan with lights on each of the homes that will turn on when a car, person, or animal comes onto the property. That is what most of us have in the neighborhood. It is a safety amenity and fits into the ambiance of the surrounding neighborhood and respects those of us who live here.

8B-2
cont'd

(3) **Proposed Amenities – Swimming Pool; Rooftop Barbecues** – A swimming pool is an unnecessary amenity in this environment. Our coastal average temperature is 72 degrees. Not really swimming pool weather. It would serve the future residents of Piraeus Point much better to have a dedicated greenspace for a small park for children to be able to play. How and where otherwise are children going to be able to play outside? It would get much more use than any swimming pool.

8B-3

Rooftop Barbecues are not a good choice. They can potentially be a fire hazard, and noise from rooftop parties will carry up through the neighborhoods around them. Please consider putting barbecues in a section of the green space along with some picnic tables. It will present an opportunity for neighbors to meet and mix collegently as well as be near where their children are playing – with other children! You may even be able to put aside a small space for a dog run as well.

8B-4

Please consider these suggestions carefully, they are practical, cost effective and make sense for future residents and the host neighborhood.

(4) **Archeological Perspective** - I was glad to read that Tribal Monitoring of this site has been proposed by local Native American tribes and will be conducted. The proximity to the Batiquitos Lagoon is of particular importance along its edge as many of the San Diego Native American tribes migrated from the Valleys and Deserts from the East. There was plenty of fish, shellfish, birds, fox, bob cats, deer, and other species and plant habitats to sustain them through the summer seasons. Plenty of proof has been found in the middens and projects along the south side of the Lagoon that tribes seasonally lived here.

8B-5

Respectfully submitted,
Sheila S. Cameron
Sent from [Mail](#) for Windows

Response:

Please refer to Master Response 3, which addresses noise concerns.

The use of roof-top barbecues and any safety-related concerns would be handled and maintained through the project’s homeowners association. It is assumed that residents would comply with manufacturer’s recommendations and safety procedures for use of any barbecues to ensure that potential fire risks are minimized to the extent possible. Such activities do not require evaluation pursuant to CEQA. No further response is required.

8B-5

Comment Summary:

The commenter indicates that they are pleased that project implementation would include tribal monitoring. The commenter notes that the importance of Batiquitos Lagoon to many local Native American tribes and that evidence indicating occupation of this area has been identified.

Response:

As stated in EIR Sections 3.4, Cultural Resources, and 3.13, Tribal Cultural Resources, the City has complied with the requirements of AB 52 for tribal consultation. Tribal monitoring during construction would be required per mitigation measure CR-1.

From: John Conover <surf@tidelines.com>
Sent: Monday, February 6, 2023 8:43 AM
To: Nick Koutoufidis
Subject: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Hi Nick, please fight for the residence of Encinitas, who do not want their community turned into Oceanside. I've been here 45 years. It's bad enough to have these projects that the state has allowed when they're hidden in other parts of the town. But Encinitas Boulevard located Leucadia Boulevard and visible from the freeway are a blight on our community. Find a point in the EIR to fight for the minimizing of this giant development that no one will be proud of.

9-1

Thank you, John Conover
1724 Burgundy Road
Encinitas

Sent from my iPhone

9 John Conover

9-1

Comment Summary:

The commenter states that they have been a resident of Encinitas for 45 years. The commenter feels that the size of the development should be minimized and feels that projects similar to it result in "blight to the community."

Response:

Refer to Master Response 4.

Preface and Responses to Comments

From: Jen Cox <thecoxfive@gmail.com>
Sent: Monday, February 6, 2023 4:36 PM
To: Nick Koutoufidis
Subject: Opposed to Piraeus Point Project!

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,
Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project for the following reasons:

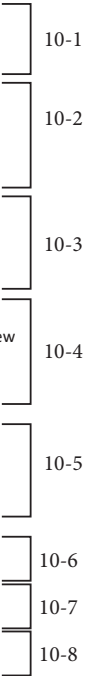
Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site.

Biology-Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units.

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles.

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking? Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this project's added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area.



10 Jennifer Cox

10-1

Comment Summary:

The commenter thanks the City for the opportunity to comment on the EIR and indicates that there are several reasons for her opposition to the proposed project.

Response:

The comment provided is introductory and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR.

10-2

Comment Summary:

The commenter feels that the onsite steep slopes should not be graded but should rather be protected due to the site's location within a Scenic Visual Corridor. The commenter also states opposition to the proposed 40-foot retaining walls.

Response:

Please refer to Master Response 4 pertaining to visual resources and project grading.

The commenter incorrectly asserts that the proposed retaining walls would be 40 feet in height. As described in Section 2.0, Project Description, of the EIR, the retaining wall along the northern property boundary would range from approximately 0.4 feet to a maximum height of approximately 24.9 feet. Along the eastern property boundary, retaining walls would range from approximately zero feet to a maximum height of approximately 29.7 feet. Along the southern project boundary, retaining walls would range from approximately 2.8 feet to a maximum height of approximately 8.6 feet. Along the western property boundary, retaining walls would range from approximately zero feet to a maximum height of approximately 11.6 feet in height, near the proposed entry drive.

From: Jen Cox <thecoxfive@gmail.com>
Sent: Monday, February 6, 2023 4:36 PM
To: Nick Koutoufidis
Subject: Opposed to Piraeus Point Project!

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,
Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project for the following reasons:

Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site.

Biology-Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units.

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles.

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking? Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this project's added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area.

10-1
10-2
10-3
10-4
10-5
10-6
10-7
10-8

The project has been designed consistent with the scale, density, and height of future development as identified in the City's General Plan and HEU, as well as applicable zoning regulations that are intended to maintain community character and protect designated scenic views. Proposed landscaping would continue to mature over time, thus further screening the development from public view and visually blending the structures, slopes, and retaining walls into the surrounding setting. The site lacks any scenic resources (e.g., rock outcroppings, ridgelines, etc.), and therefore, existing views would not be altered in this regard due to project disturbance or removal.

10-3

Comment Summary:

The commenter asserts that the amount of soil removed associated with impacts to steep slopes would adversely affect native vegetation and wildlife on the project site. The commenter feels that this would be in conflict with the City's Climate Action Plan.

Response:

Please also refer to Master Response 4. As discussed in Section 3.3, Biological Resources, and elsewhere in the EIR, the project proposes to protect the approximately 4.5 acres to the north of the project site as a preserve area, thereby avoiding potential impacts to sensitive resources and restricting development on the southernmost parcel. The project identifies measures to ensure that impacts resulting with development of the subject site are adequately mitigated for and reduced to a level of less than significant.

The project design would result in 149 new housing units, with 15 affordable units, thereby assisting the City in achieving State-mandated housing goals and further addressing the existing housing shortage at a local level.

10-4

Comment Summary:

The commenter asks that the City deny the waiver requested by the applicant to avoid the requirement to underground utilities, as the

Preface and Responses to Comments

From: Jen Cox <thecoxfive@gmail.com>
Sent: Monday, February 6, 2023 4:36 PM
To: Nick Koutoufidis
Subject: Opposed to Piraeus Point Project!

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,
Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project for the following reasons:

Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site.

Biology-Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units.

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles.

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking? Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this project's added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area.



applicant was aware of “the rules, site’s constraints, and cost of developing prior to getting involved with the property.”

Response:

Refer to Master Response 4.

10-5

Comment Summary:

The commenter expresses concern over increased traffic and related effects that may worsen with project implementation. The commenter states that direct access to Leucadia Boulevard from Piraeus Street is no longer available and causes local traffic to instead navigate through narrow roads which presents a safety concern for both vehicles and pedestrians.

Response:

Please refer to Master Response 1.

10-6

Comment Summary:

The commenter indicates that the project would not provide adequate parking and would cause residents of the project to park along nearby streets.

Response:

Please refer to Master Response 1.

10-7

Comment Summary:

The commenter notes concern regarding existing safety issues near Capri Elementary School and roads in its vicinity, as well as the lack of improvements proposed to address the increase in pedestrian and vehicular traffic at and near the school.

Response:

Please refer to Master Response 1.

From: Jen Cox <thecoxfive@gmail.com>
Sent: Monday, February 6, 2023 4:36 PM
To: Nick Koutoufidis
Subject: Opposed to Piraeus Point Project!

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,
Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project for the following reasons:

Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site.

Biology-Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units.

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles.

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking? Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this project's added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area.



10-8

Comment Summary:

The commenter notes that MERV-16 filters would be required with project implementation and expresses concern about cancer risks for those occupying the proposed rooftop decks.

Response:

As indicated in Section 3.2, Air Quality, of the EIR, an Air Quality Health Risk Assessment (HRA) was prepared to evaluate potential health risks to project residents due to diesel particulate matter (DPM) originating from proximity to I-5; refer to EIR Appendix C-2. Based on calculations included in the HRA, cancer risks for project residents resulting from exposure to suspended diesel particulates would exceed the established San Diego Air Pollution Control District (SDAPCD) excess cancer risk significance threshold of 10 per one million exposed and could be considered a significant impact (Ldn Consulting, Inc. 2022). Refer also to Table 2: Cancer Risk at Worst-Case Outdoor Receptors (Unmitigated) of EIR Appendix C-2.

Cancer risk calculations are based on a 70 year lifetime exposure. In some limited cases, it may be appropriate to also use between 9 to 40 years exposure in the calculation; the 9 year exposure scenario is based on exposure to children during the first 9 years of life. For purposes of the HRA analysis, a 30 year duration through a 70 year duration was reported.

Although DPM levels resulted in cancer risk under a worst-case scenario (unmitigated) at outdoor receptors considered, it is not anticipated that residents of the proposed development or their guests would spend substantial amounts of time occupying the rooftop decks or the common/pool areas over the 30- to 70-year period considered, as compared to time spent indoors within the residential units. As such, extended outdoor exposure to DPMs due to adjacency to the freeway is not anticipated. The project would be subject to City design review and would be required to comply with standard regulatory requirements of the SDAPCD and City building codes.

Preface and Responses to Comments

Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. Deny all the waivers and incentives.

Thank you for listening to the neighbors most affected by this unwelcome invasion.

Jennifer Cox
760-525-4535

10-9
10-10

10-9

Comment Summary:

The commenter states that the proposed project is not compatible with the surrounding neighborhood, the scenic visual corridor, nor the “gateway” to Encinitas. The commenter requests that all waivers and incentives associated with the project be denied.

Response:

Please refer to Master Response 4.

10-10

Comment Summary:

The commenter thanks the City for listening to residents of the community who are “most affected by this unwelcome invasion.”

Response:

This comment is in summary and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Mr. Nick Koutoufidis
Senior Planner, Planning Commission
Encinitas, CA 92024

Mr. Koutoufidis,

We are writing to express our deep concern for the planned development by Lennar Homes of CA for a project titled Piraeus Point, to be located on the corner of Piraeus Street and Plato Place in Leucadia.

We are homeowners living on Caudor Street. We have been residents of Encinitas since 1974 and homeowners since 1978. We are deeply distressed at this planned project and its impact on our community, ourselves, our neighbors and the potential new residents. We have concerns on multiple levels after reading the Environmental Impact Report (final published in December, 2022), and are most alarmed regarding the impact on Transportation, Safety, Parking, and Congestion.

Transportation This starts with the line in the report, "Transportation impacts are significant and unavoidable." And as the report outlines the access roads to this site as solely from La Costa Avenue or Leucadia Blvd. For La Costa Avenue the reports states "It should be noted that there are no active land uses on the south side of the roadway for pedestrians to access. Additionally, there are no active transit services or facilities along La Costa Avenue within the project study area." For Leucadia Blvd, there are no transit services until you proceed on Leucadia Blvd to Saxony Road, over one mile from the location. "There are also no services within walking distance of this site". The other roads necessary for access Piraeus or Plato are not considered Circulation Element Roadways. I then quote directly from the City of Encinitas General Plan, Circulation Element "**Goal 1 (bolded as in the report): Encinitas should have a transportation system that is safe, convenient and efficient, and sensitive to and compatible with surrounding community character.** Obviously this Goal and most of its Policies are being blatantly ignored if this project continues forward.

Safety: There are multiple areas of concern regarding public safety found in this report. However, we would like to focus on the access to Capri Grammar School. As stated in the **Encinitas Pedestrian Travel and Safe Routes to School Plan:** This program was implemented by the Department of Transportation to encourage primary, middle and high school students to walk and bicycle to school and provide a safe means of doing so". From the site identified for Piraeus Point, there is no safe walking or biking access to Capri Grammar School for children since the access is through Plato Place. As stated in the report: "Plato Place is a two-lane divided roadway with no posted speed limit. No bicycle, pedestrian, or transit facilities are presently located along Plato Place." So, no bike lanes or sidewalks are on this "blinded roadway".

Parking: For a development with 149 homes to include 37 two bedroom and 60 three bedroom residences, the 256 parking spaces is totally inadequate when access roadways do not permit street parking. For Piraeus Street, "Parking is prohibited on both sides of this segment of the

11-1

11-2

11-3

11-4

11 Judy and Gary Fix

11-1

Comment Summary:

The commenters express concerns regarding the proposed project, specifically related to transportation, safety, parking, and congestion. The commenters note that they live on Caudor Street and have been residents of the City since 1974.

Response:

This comments provided are introductory and do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

11-2

Comment Summary:

The commenters reference language from EIR Section 3.12, Transportation, regarding access to the project site from La Costa Avenue and Leucadia Boulevard. The commenters suggest that project implementation would violate Goal 1 of the City's General Plan Circulation Element relative to the provision of a transportation system that is safe, convenient, and efficient, and compatible with the surrounding community character.

Response:

Refer to Master Response 1. As discussed in EIR Section 3.12, Transportation, the project has been designed to provide access to alternative means of transportation and to encourage residents and guests to the project site to utilize such modes of travel. The North County Transit District bus route #304 operates bus stops located at the northwest and southeast corners of Leucadia Boulevard and Sidonia Street. Bus route #304 provides connection between the Palomar College Transit Center and the Encinitas Transit Station, thereby enabling regional connections along the route.

The homeowners association (HOA) serving the proposed development would provide information pertaining to available alternative modes of transportation in the area as part of the "new resident" or "new tenant" package. The HOA would also provide residents with transit schedules for

Preface and Responses to Comments

Mr. Nick Koutoufidis
Senior Planner, Planning Commission
Encinitas, CA 92024

Mr. Koutoufidis,
We are writing to express our deep concern for the planned development by Lennar Homes of CA for a project titled Piraeus Point, to be located on the corner of Piraeus Street and Plato Place in Leucadia.

We are homeowners living on Caudor Street. We have been residents of Encinitas since 1974 and homeowners since 1978. We are deeply distressed at this planned project and its impact on our community, ourselves, our neighbors and the potential new residents. We have concerns on multiple levels after reading the Environmental Impact Report (final published in December, 2022), and are most alarmed regarding the impact on Transportation, Safety, Parking, and Congestion.

Transportation This starts with the line in the report, "Transportation impacts are significant and unavoidable." And as the report outlines the access roads to this site as solely from La Costa Avenue or Leucadia Blvd. For La Costa Avenue the reports states "It should be noted that there are no active land uses on the south side of the roadway for pedestrians to access. Additionally, there are no active transit services or facilities along La Costa Avenue within the project study area." For Leucadia Blvd, there are no transit services until you proceed on Leucadia Blvd to Saxony Road, over one mile from the location. "There are also no services within walking distance of this site". The other roads necessary for access Piraeus or Plato are not considered Circulation Element Roadways. I then quote directly from the City of Encinitas General Plan, Circulation Element "**Goal 1 (bolded as in the report): Encinitas should have a transportation system that is safe, convenient and efficient, and sensitive to and compatible with surrounding community character.** Obviously this Goal and most of its Policies are being blatantly ignored if this project continues forward.

Safety: There are multiple areas of concern regarding public safety found in this report. However, we would like to focus on the access to Capri Grammar School. As stated in the **Encinitas Pedestrian Travel and Safe Routes to School Plan:** This program was implemented by the Department of Transportation to encourage primary, middle and high school students to walk and bicycle to school and provide a safe means of doing so". From the site identified for Piraeus Point, there is no safe walking or biking access to Capri Grammar School for children since the access is through Plato Place. As stated in the report: "Plato Place is a two-lane divided roadway with no posted speed limit. No bicycle, pedestrian, or transit facilities are presently located along Plato Place." So, no bike lanes or sidewalks are on this "blinded roadway".

Parking: For a development with 149 homes to include 37 two bedroom and 60 three bedroom residences, the 256 parking spaces is totally inadequate when access roadways do not permit street parking. For Piraeus Street, "Parking is prohibited on both sides of this segment of the



the area and would alert residents when new transit services are added or when services are changed. The closest major transit station to the project site is the Encinitas Transit Station, located approximately 2 road miles to the south. The transit station also provides access to NCTD's COASTER (commuter heavy rail) and NCTD bus routes #101, #304, and #309. Therefore, project residents would have access to both local and regional transit systems.

11-1 The project would be in conformance with adopted policies, plans, and programs regarding public transit facilities and would not otherwise decrease the performance or safety of such facilities. The project would not result in a conflict with the City's General Plan supporting a safe, convenient, and efficient transportation system.

11-3
Comment Summary:
The commenters express concern over public safety, specifically with respect to children residing at the project site who would walk or bike along Plato Place to/from Capri Elementary School. The commenters express concern due to the lack of bicycle lanes and sidewalks along Plato Place.

Response:
Please refer to Master Response 1.

11-4
Comment Summary:
The commenters assert that the project does not provide enough onsite parking due to the lack of allowable street parking along local roadways. The commenters note that the US Department of Transportation estimates the average number of cars owned per household to be 1.88, and when considering the number of parking spaces proposed, the project would provide 20 fewer spaces than necessary and would not accommodate for guest parking. The commenters suggest that the lack of onsite parking would impact residents of the surrounding community.

roadway". For Plato Place, parking is prohibited along both sides of the roadway". According to the US Department of Transportation, the average number of cars owned per household is 1.88. If this was applied to the Piraeus Point, the development would be short 20 spaces without accommodation for any guests and without any parking on access roadways. This would require cars to be distributed throughout the neighborhood which impacts long time Encinitas Residents significantly.

Congestion: We do not have statistics; however we have personal experience. We live on the route to Capri Grammar School, in the morning and afternoons it is impossible for us to leave our residence due to the back up of traffic from parents leaving their children off and picking them up from the grammar school. Additionally, today, it takes 25 to 30 minutes to travel on Leucadia Blvd from east of the I-5 to El Camino Real, with up to three passes at a traffic light prior to proceeding. And the city wants to add to this congestion.

Knowing the situation our city faces with providing "low income" housing...Oops, 134 of the 147 residential townhouses will be sold at market rate...not quite low income.. However, you do intend to have 15 units at "very low" – 50% of the area median income for sale...so I guess you have met the "spirit of the law". As long time residents, it is all very disappointing and we respectfully ask for reconsideration of this project.

Hoping for a City Council and Planning Commission that can meet and uphold its own goals and the wishes of Encinitas residents.

Judy and Gary Fix,

1597 Caudor Street
Leucadia, CA 92024

11-4
cont'd

11-5

11-6

Response:

Please refer to Master Response 1.

11-5

Comment Summary:

The commenters express concern over traffic congestion in the surrounding community along the route to Capri Elementary School during pick up and drop off times and feel that project implementation would worsen the congestion. The commenters also express disappointment over the amount of low-income housing proposed and ask the City to reconsider the project.

Response:

Please refer to Master Response 1.

11-6

Comment Summary:

The commenters request that the City Council and Planning Commission respect the City's goals and consider City resident input received in evaluating whether to approve the project.

Response:

This comment is in summary and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

From: Cheri Garcia <cherigarcia59@gmail.com>
Sent: Sunday, December 18, 2022 4:20 PM
To: Nick Koutoufidis
Subject: Fwd: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Hello,

The portion of the EIR that is objectionable is where it states that Transportation impacts are significant and unavoidable. This is incorrect. A petition was collected from the residents that live near Capri school and a special meeting was held to discuss the traffic problems created by the closure of the south end of Pireus. The meeting was so well attended people were sitting on the floor and standing. We were assured at that time that when the expansion of I-5 took place the south end of Pireus would be reopened. Apparently, this is not going to happen. We are extremely disappointed to say the least. As you know our roads are two lane country roads. If Pireus was reopened all of the traffic wanting to get on 5 south could access the entrance without going through our neighborhood. How do we make an impact on our Council that this needs to be fixed if a petition and a very well attended meeting doesn't work?

12A-1

There is a lot of open land on Pireus and I am sure other projects will be built. I understand we must comply with the State mandates. However, steps need to be taken to protect the residents that live here already. Reopening Pireus is a big step towards accomplishing this safety. Two large projects have been completed since I have lived here. No provisions were made to handle the additional traffic. Our neighborhood cannot just keep handling the additional traffic. Something has to be done to watch out for our welfare while meeting the State mandates.

12A-2

Children walk through this neighborhood to get to Capri school. If the school was built on Quail Garden Road that would cut down on the traffic as well. Both the school construction and the reopening of Pireus are things that our City Council have committed to doing. They need to keep the word and watch out for their citizens.

12A-3

Regards,
Cheryl Garcia
1289 Urania Avenue

12A Cheryl Garcia

12A-1

Comment Summary:

The commenter assert that the EIR incorrectly determines that Transportation impacts are significant and unavoidable. The commenter references a prior meeting where residents were informed that the south end of Piraeus Street would be reopened following the expansion of I-5. The commenter expresses disappointment that the roadway has not been reopened, as doing so would allow vehicles to access to I-5 without having to drive through the local neighborhood.

Response:

Refer to Master Response 1.

12A-2

Comment Summary:

The commenter expresses certainty that future development along Piraeus Street will occur due to the amount of open land. The commenter indicates that actions must be taken to protect existing residents of the neighborhood, such as reopening the southern end of Piraeus Street. According to the commenter, two large projects occurred during the time they have resided in the area, and no actions were taken to account for increased traffic.

Response:

Refer to Master Response 1.

12A-3

Comment Summary:

The commenter notes that the neighborhood is utilized by school children walking to Capri Elementary School and indicates that the City Council has “committed” to construction of Capri Elementary School on Quail Garden Road and to reopen Piraeus Street, which may reduce area traffic.

From: Cheri Garcia <cherigarcia59@gmail.com>
Sent: Sunday, December 18, 2022 4:20 PM
To: Nick Koutoufidis
Subject: Fwd: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Hello,

The portion of the EIR that is objectionable is where it states that Transportation impacts are significant and unavoidable. This is incorrect. A petition was collected from the residents that live near Capri school and a special meeting was held to discuss the traffic problems created by the closure of the south end of Pireus. The meeting was so well attended people were sitting on the floor and standing. We were assured at that time that when the expansion of I-5 took place the south end of Pireus would be reopened. Apparently, this is not going to happen. We are extremely disappointed to say the least. As you know our roads are two lane country roads. If Pireus was reopened all of the traffic wanting to get on 5 south could access the entrance without going through our neighborhood. How do we make an impact on our Council that this needs to be fixed if a petition and a very well attended meeting doesn't work?

12A-1

There is a lot of open land on Pireus and I am sure other projects will be built. I understand we must comply with the State mandates. However, steps need to be taken to protect the residents that live here already. Reopening Pireus is a big step towards accomplishing this safety. Two large projects have been completed since I have lived here. No provisions were made to handle the additional traffic. Our neighborhood cannot just keep handling the additional traffic. Something has to be done to watch out for our welfare while meeting the State mandates.

12A-2

Children walk through this neighborhood to get to Capri school. If the school was built on Quail Garden Road that would cut down on the traffic as well. Both the school construction and the reopening of Pireus are things that our City Council have committed to doing. They need to keep the word and watch out for their citizens.

12A-3

Regards,
Cheryl Garcia
1289 Urania Avenue

Response:

Please refer to Master Response 1 which addresses traffic concerns. Regarding the commenter's desire for the City to construct Capri Elementary School on Quail Gardens Road and for the reopening of Piraeus Street, such issues are not an environmental concern pursuant to the provisions of CEQA. No further response is required.

Preface and Responses to Comments

From: Cheri Garcia <cherigarcia59@gmail.com>
Sent: Thursday, February 2, 2023 5:40 PM
To: Nick Koutoufidis
Subject: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Hello,
I sent an email to you regarding this project while you were out of the office. The portion of the EIR report that I take exception to is the traffic report. It was stated that there is nothing that can be done to mitigate this problem. This statement is incorrect. There are several things that would help. Reopening the south end of Piraeus is first and foremost. The citizens that live in the Leucadia Blvd to Capri School from Piraeus to Saxony were promised that when the I 5 was expanded the south end of Piraeus would be reopened. There was a petition signed by many of the people who live in this area and a special meeting was held during which the promise was made. Secondly, build the school on Quail Garden Road that has been in the works. Both of these changes would take the traffic off of our two lane roads.

12B-1

There is a lot of open land on Piraeus. I am sure more projects will be developed on this street. Meeting the States dictate is necessary but protecting the citizens is necessary too. Please, make the necessary changes to improve the traffic through our neighborhood.

12B-2

Regards,
Cheryl Garcia

12B Cheryl Garcia

12B-1

Comment Summary:

The commenter notes that they previously submitted a comment to the City. The commenter reiterates points made including suggestions to reduce transportation impacts (see Comment Summaries 12A-1 through 12A-3 above).

Response:

Refer to Responses 12A-1 through 12A-3 above.

12B-2

Comment Summary:

The commenter asserts that additional development will occur along Piraeus Street due to the amount of open land along the roadway. The commenter asks that the City work to improve traffic conditions in the area.

Response:

Refer to Response 12A-2 above.

From: Andy Gilkison <andygilk@yahoo.com>
Sent: Sunday, February 5, 2023 8:21 PM
To: Nick Koutoufidis
Subject: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

RE: Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Hi Nick

I appreciate your time and understand that you are getting feedback regarding the Piraeus Point project.
We live on the dirt road on Caudor Street (NE of the proposed project).

13-1

It's hard to imagine an apartment complex going up in that area. Did I read the case right? Already the traffic going up Plato to Capri Elementary (which has to be at full capacity) is so heavy and dangerous for drivers, let alone walkers and bikers. The traffic has increased so much even over the last few years. So many times we heard about kids almost getting hit by cars heading to or from the Capri School area. Then, to consider adding a large apartment complex in the area seems extremely risky, unsafe and unplanned.

13-2

There are no sidewalks in the area and traffic going up and down Plato Road and along Caudor will be even more unimaginable than what it currently is. Consider all the kids ages 5-12 getting to school at Capri Elementary. I don't believe Plato Road and Caudor Street can't handle the traffic.

13-3

I appreciate your thoughts.
Regards,
Andy

Andy Gilkison
760.696.2310

13 Andy Gilkison

13-1

Comment Summary:

The commenters acknowledge the City in receiving comments on the proposed project and note that they live on Caudor Street.

Response:

This comment is introductory and does not raise environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

13-2

Comment Summary:

The commenter states that existing traffic along Plato Place to Capri Elementary School is dangerous for drivers, walkers, and bikers and notes that Capri Elementary School “has to be at full capacity.” The commenter feels that location of the project as proposed within the subject area would be “extremely risky, unsafe, and unplanned.”

Response:

Please refer to Master Response 1.

13-3

Comment Summary:

The commenter expresses concern over the lack of sidewalks in the area and feels that the project would worsen existing traffic issues on Plato Place and Caudor Street.

Response:

Please refer to Master Response 1.

Preface and Responses to Comments

From: Janna Gilkison <jannagilk@gmail.com>
Sent: Saturday, February 4, 2023 10:14 AM
To: Nick Koutoufidis
Subject: Piraeus Point - should never happen

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To whom it may concern:

I live in the Capri neighborhood and I am writing to tell you that a large living community (or even a small one) would negatively impact this neighborhood. This community already struggles to keep Capri elementary students safe. Over the 15 years I have lived here I have seen children almost run over. Capri has since hired a crossing guard and the city installed a cross walk with a sign and button to cross. This has minimally helped. The school is overcrowded.

14-1

The neighborhood also does not have adequate sidewalks and is a dark community (meaning there are no street lights). This makes it already a very dangerous neighborhood to walk and drive - especially at night. Adding a population will make this neighborhood dangerous and overcrowded - more so than it already is.

14-2

I will not address other areas of concern such as water run off, drainage, speeding on Piraeus Avenue and other known issues nearby.

14-3

Do not proceed with this project.

14-4

Sincerely,
Janna Gilkison

14 Janna Gilkison

14-1

Comment Summary:

The commenter indicates that they reside near Capri Elementary School. The commenter expresses concerns regarding the safety of schoolchildren and notes existing safety issues for schoolchildren that have not been adequately addressed by the City. The commenter also notes that the elementary school is overcrowded.

Response:

Please refer to Master Responses 1 and 2.

14-2

Comment Summary:

The commenter feels that the neighborhood is dangerous due to the lack of sidewalks and street lighting and believes that the neighborhood would become more dangerous and overcrowded as a result of project implementation.

Response:

Please refer to Master Response 1 and Responses 7-4 and 8-1A.

14-3

Comment Summary:

The commenter indicates that they will not express other concerns related to water runoff, drainage, speeding along Piraeus Street, and “other known issues nearby.”

Response:

The commenter identifies several issues, but does not provide specifics as to what her concerns are. Refer to EIR Section 3.8, Hydrology and Water Quality. Vehicle speed is not an issue of environmental concern relative to CEQA. The comment provided does not question the adequacy of the EIR. No further response is required.

From: Janna Gilkison <jannagilk@gmail.com>
Sent: Saturday, February 4, 2023 10:14 AM
To: Nick Koutoufidis
Subject: Piraeus Point - should never happen

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To whom it may concern:

I live in the Capri neighborhood and I am writing to tell you that a large living community (or even a small one) would negatively impact this neighborhood. This community already struggles to keep Capri elementary students safe. Over the 15 years I have lived here I have seen children almost run over. Capri has since hired a crossing guard and the city installed a cross walk with a sign and button to cross. This has minimally helped. The school is overcrowded.

The neighborhood also does not have adequate sidewalks and is a dark community (meaning there are no street lights). This makes it already a very dangerous neighborhood to walk and drive - especially at night. Adding a population will make this neighborhood dangerous and overcrowded - more so than it already is.

I will not address other areas of concern such as water run off, drainage, speeding on Piraeus Avenue and other known issues nearby.

Do not proceed with this project.

Sincerely,
Janna Gilkison

14-1

14-2

14-3

14-4

14-4

Comment Summary:

The commenter requests that the City not proceed with the proposed project.

Response:

The City will take into consideration the concerns raised in evaluating whether or not to approve the proposed project. No further response is required.

Preface and Responses to Comments

From: Ray G
Mr. Koutoufidis.

Please accept this letter as my response to the above mentioned Environmental Impact Report for the Piraeus Point Project. In the report under Significant Environmental Effects Anticipated As a Result of the Project, the list of items not resulting in significant environmental impacts includes air quality, (see air quality 3.2 pages 16 & 17 stating MITIGATING need for MREV 16 air filters due to I-5 diesel fumes) biological resources, cultural resources, noise and wildfire. What is the baseline for significant impact? Please note the I-5 Scenic Visual Corridor, it has restriction on grading steep slopes and habitat/geographical limitations. We should state opposition to grading on steep slopes and proposed earth removal of 60,000 cubic yards of soil. It seems difficult to assume that none of these items listed won't be negatively impacted, especially biological and cultural resources, noise and wildfire. The current increase in traffic on I-5 and Piraeus has already effected those in the vicinity with more noise and louder noise than ever and we already have a state of high caution regarding uncontrollable fires. Setting 140 plus structures and 300 plus humans and pets and vehicles in a very condensed space, will not help either of these items stay at their current levels or mitigate the risk of increased effect. The Piraeus Point Project cannot be evaluated solely on this project alone as the EIR needs to include the compounding effect of the additional projects in close vicinity, such as the Cowboy Steve Legacy Project, The Toll Brothers development just West of I-5 on La Costa, the Fox Point Project and Quail Gardens Projects will all impact the local community on all items listed in your Impact Report. The EIR also states that the impact on miles traveled cannot be mitigated to less than significant levels yet they determine the impacts to be significant and unavoidable. They are unavoidable as it's a clear result that the traffic study concludes the obvious which, there is no room or tolerance available for increased traffic. So how does the city and developer resolve this increased traffic dilemma? The EIR addresses the safety dangers for pedestrians or bike traffic on Piraeus or any of the nearby streets as a problem. This alone should be enough to look elsewhere. If the EIR is so far off base and not aligned in reality, why would anyone consider the rest of the findings to be valid?

15-1

15-2

15-3

15 Ray Gutoski

15-1

Comment Summary:

The commenter provides a list of environmental impacts they assert will result from the project and inquires as to what the thresholds are that determine significant environmental effects.

The commenter also expresses opposition to the amount of soil proposed for removal, as well grading on steep slopes due to the project site's location in the I-5 Scenic Visual Corridor. The commenter states that the project may result in adverse impacts associated with biological resources, cultural resources, noise, and wildfire because the project proposes placing over 140 structures in a condensed area. The commenter also expresses concern regarding increased traffic along I-5 and Piraeus Street, particularly with regard to noise impacts and fire risk in the area.

Response:

The commenter refers to the Notice of Availability (NOA) -- not the EIR -- published by the City in accordance with CEQA regulations in referencing the "Significant Environmental Effects Anticipated as a Result of the Project. The commenter incorrectly states that the list of topics provided would not result in significant environmental impacts. The NOA states that "the EIR concludes that the project would not result in significant environmental impacts with the incorporation of mitigation measures for air quality, biological resources, cultural resources, geology and soils (paleontology), noise, tribal cultural resources, and wildfire." Mitigation measures are identified in the EIR to reduce such impacts to less than significant. Project impacts are evaluated in Chapter 3.0 of the EIR which identifies the significance thresholds used in evaluating each of the CEQA related topics of environmental concern.

Refer to Master Response 4 which addresses project impacts on visual resources. The applicant requests a waiver because the project exceeds the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project requires an approximately 40% encroachment into steep slope areas, and without this waiver, the project footprint would be substantially

From: Ray G
Mr. Koutoufidis.

Please accept this letter as my response to the above mentioned Environmental Impact Report for the Piraeus Point Project. In the report under Significant Environmental Effects Anticipated As a Result of the Project, the list of items not resulting in significant environmental impacts includes air quality, (see air quality 3.2 pages 16 & 17 stating MITIGATING need for MREV 16 air filters due to I-5 diesel fumes) biological resources, cultural resources, noise and wildfire. What is the baseline for significant impact? Please note the I-5 Scenic Visual Corridor, it has restriction on grading steep slopes and habitat/geographical limitations. We should state opposition to grading on steep slopes and proposed earth removal of 60,000 cubic yards of soil. It seems difficult to assume that none of these items listed won't be negatively impacted, especially biological and cultural resources, noise and wildfire. The current increase in traffic on I-5 and Piraeus has already effected those in the vicinity with more noise and louder noise than ever and we already have a state of high caution regarding uncontrollable fires. Setting 140 plus structures and 300 plus humans and pets and vehicles in a very condensed space, will not help either of these items stay at their current levels or mitigate the risk of increased effect. The Piraeus Point Project cannot be evaluated solely on this project alone as the EIR needs to include the compounding effect of the additional projects in close vicinity, such as the Cowboy Steve Legacy Project, The Toll Brothers development just West of I-5 on La Costa, the Fox Point Project and Quail Gardens Projects will all impact the local community on all items listed in your Impact Report. The EIR also states that the impact on miles traveled cannot be mitigated to less than significant levels yet they determine the impacts to be significant and unavoidable. They are unavoidable as it's a clear result that the traffic study concludes the obvious which, there is no room or tolerance available for increased traffic. So how does the city and developer resolve this increased traffic dilemma? The EIR addresses the safety dangers for pedestrians or bike traffic on Piraeus or any of the nearby streets as a problem. This alone should be enough to look elsewhere. If the EIR is so far off base and not aligned in reality, why would anyone consider the rest of the findings to be valid?

15-1

15-2

15-3

reduced, impacting the project's ability to provide for deed-restricted affordable housing onsite, which is an objective for the site as identified in the Housing Element Update. Mitigation measures are identified in EIR Chapter 3.0 for impacts (e.g., biological and cultural resources, noise and wildfire) resulting with project improvements to reduce such impacts to less than significant.

Refer to Master Response 3. As described in Section 3.10, Noise, of the EIR, based on the number of average daily vehicle trips generated, the project would not cause a doubling in traffic volumes along any area roadways, or otherwise substantially increase area traffic volumes, that would contribute to a 3 dBA L_{dn} increase in noise levels (threshold for determining a significant impact). Therefore, the project would not contribute to a substantial increase in noise levels on local roadways or in the surrounding community.

Section 3.15, Wildfire, of the EIR reflects the findings of the site-specific Fire Protection Plan prepared for the project. Based on the findings of the analysis, the EIR identifies mitigation to ensure that measures from the Fire Protection Plan are implemented, thereby reducing potential adverse effects relative to wildfire risk to less than significant.

15-2

Comment Summary:

The commenter indicates that in addition to analyzing project-specific impacts, the EIR must address impacts of the project in conjunction with other projects in the area, such as the Cowboy Steve Legacy Project, the Toll Brothers Development, the Fox Point Project, and the Quail Gardens Project.

Response:

Consistent with CEQA Guidelines Section 15130(a), the discussion in the EIR focuses on the identification of significant cumulative impacts and, where present, the extent to which the proposed project would constitute a considerable contribution to the cumulative impact. Cumulative analyses for each CEQA environmental topic are include at the end of Sections 3.1 through 3.15 of the EIR. The cumulative projects listed in Table 3.0-1, Cumulative Projects, includes closely related past, present,

Preface and Responses to Comments

From: Ray G
Mr. Koutoufidis.

Please accept this letter as my response to the above mentioned Environmental Impact Report for the Piraeus Point Project. In the report under Significant Environmental Effects Anticipated As a Result of the Project, the list of items not resulting in significant environmental impacts includes air quality, (see air quality 3.2 pages 16 & 17 stating MITIGATING need for MREV 16 air filters due to I-5 diesel fumes) biological resources, cultural resources, noise and wildfire. What is the baseline for significant impact? Please note the I-5 Scenic Visual Corridor, it has restriction on grading steep slopes and habitat/geographical limitations. We should state opposition to grading on steep slopes and proposed earth removal of 60,000 cubic yards of soil. It seems difficult to assume that none of these items listed won't be negatively impacted, especially biological and cultural resources, noise and wildfire. The current increase in traffic on I-5 and Piraeus has already effected those in the vicinity with more noise and louder noise than ever and we already have a state of high caution regarding uncontrollable fires. Setting 140 plus structures and 300 plus humans and pets and vehicles in a very condensed space, will not help either of these items stay at their current levels or mitigate the risk of increased effect. The Piraeus Point Project cannot be evaluated solely on this project alone as the EIR needs to include the compounding effect of the additional projects in close vicinity, such as the Cowboy Steve Legacy Project, The Toll Brothers development just West of I-5 on La Costa, the Fox Point Project and Quail Gardens Projects will all impact the local community on all items listed in your Impact Report. The EIR also states that the impact on miles traveled cannot be mitigated to less than significant levels yet they determine the impacts to be significant and unavoidable. They are unavoidable as it's a clear result that the traffic study concludes the obvious which, there is no room or tolerance available for increased traffic. So how does the city and developer resolve this increased traffic dilemma? The EIR addresses the safety dangers for pedestrians or bike traffic on Piraeus or any of the nearby streets as a problem. This alone should be enough to look elsewhere. If the EIR is so far off base and not aligned in reality, why would anyone consider the rest of the findings to be valid?

15-1

15-2

15-3

and reasonably foreseeable probable future projects. Reasonably foreseeable projects are those for which an application is on file and in process with the City. The list was developed in consultation with the City's Development Services Department. These nearby reasonably foreseeable projects were considered in the cumulative impact analysis of the EIR, as appropriate. To be conservative, the cumulative analysis also includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2, Housing Element Update Sites, in Section 3.0 of the EIR). Thus, the cumulative analysis in this EIR is based on a "worst-case" assumption that all of the HEU sites are developed. It should be noted that the Fox Point Farms Project and Quail Meadows Apartments Project were identified in Table 3.0-1 in Section 3.0 of the EIR and were considered in the cumulative analysis.

15-3

Comment Summary:

The commenter notes that VMT related impacts would be significant and unavoidable as concluded in the EIR and then concludes that, therefore, there is no room for increased traffic.

The commenter also states that safety concerns for pedestrians and cyclists on local streets as identified in the EIR should suggest that another site may be more appropriate." The commenter also feels that the EIR is inaccurate and questions why other findings should be considered valid.

Response:

Please refer to Master Response 1 regarding transportation safety.

The commenter does not specify in what ways the EIR is inaccurate or "not aligned in reality." Sections 3.1 through 3.15 of the EIR adequately analyze potential impacts to environmental resources pursuant to the provisions of CEQA associated with implementation of the proposed project.

As described in Section 5.0, Alternatives, of the EIR, an Alternative Site Alternative was analyzed. It is anticipated that locating the proposed project on offsite lands in the surrounding vicinity would generally result in similar development potential and associated environmental impacts, depending on the developed or undeveloped nature and physical

From: Ray G
Mr. Koutoufidis.

Please accept this letter as my response to the above mentioned Environmental Impact Report for the Piraeus Point Project. In the report under Significant Environmental Effects Anticipated As a Result of the Project, the list of items not resulting in significant environmental impacts includes air quality, (see air quality 3.2 pages 16 & 17 stating MITIGATING need for MREV 16 air filters due to I-5 diesel fumes) biological resources, cultural resources, noise and wildfire. What is the baseline for significant impact? Please note the I-5 Scenic Visual Corridor, it has restriction on grading steep slopes and habitat/geographical limitations. We should state opposition to grading on steep slopes and proposed earth removal of 60,000 cubic yards of soil. It seems difficult to assume that none of these items listed won't be negatively impacted, especially biological and cultural resources, noise and wildfire. The current increase in traffic on I-5 and Piraeus has already effected those in the vicinity with more noise and louder noise than ever and we already have a state of high caution regarding uncontrollable fires. Setting 140 plus structures and 300 plus humans and pets and vehicles in a very condensed space, will not help either of these items stay at their current levels or mitigate the risk of increased effect. The Piraeus Point Project cannot be evaluated solely on this project alone as the EIR needs to include the compounding effect of the additional projects in close vicinity, such as the Cowboy Steve Legacy Project, The Toll Brothers development just West of I-5 on La Costa, the Fox Point Project and Quail Gardens Projects will all impact the local community on all items listed in your Impact Report. The EIR also states that the impact on miles traveled cannot be mitigated to less than significant levels yet they determine the impacts to be significant and unavoidable. They are unavoidable as it's a clear result that the traffic study concludes the obvious which, there is no room or tolerance available for increased traffic. So how does the city and developer resolve this increased traffic dilemma? The EIR addresses the safety dangers for pedestrians or bike traffic on Piraeus or any of the nearby streets as a problem. This alone should be enough to look elsewhere. If the EIR is so far off base and not aligned in reality, why would anyone consider the rest of the findings to be valid?

15-1

15-2

15-3

characteristics of the selected site. As Encinitas is generally urbanized and largely built out, impacts relative to biological resources, cultural resources, geology and soils, etc., are anticipated to be similar to those that would result with the project if the same development were built elsewhere in the community. Because most impacts would be similar, and because the proposed project only results in one significant, unavoidable impact, the alternative site would also be required to meet the 15% VMT reduction threshold to avoid significant and unavoidable impacts related to transportation.

Within the City, to achieve the allowed project density of 208 units (at a density of 30 dwelling units per acre), only sites with R-30 zoning were considered. These sites are limited to those identified by the 2019 HEU. None of these sites are considered feasible because they are not owned by the project proponent. None of these sites is within "walking distance" (defined as ½ mile or less) of the Encinitas Coaster Station, which may reduce regional VMT by encouraging multi-modal transportation. Therefore, no alternative project locations were determined to meet the majority of the project objectives and reduce significant and unavoidable impacts to VMT.

Within the region, alternate project location sites to reduce VMT impacts were considered in major employment areas also served by transit and which allow for high-density housing. This limited sites to the UTC area of San Diego (where the current MTS Blue Line trolley is being extended) and downtown San Diego. After reviewing these areas, it was determined that such alternative project locations would be infeasible because none of these sites are owned or controlled by the project proponent, and none would meet the majority of the project objectives.

For the above reasons, an alternative site location is considered infeasible pursuant to CEQA Guidelines Section 15126.6(c). Therefore, the Alternative Site Alternative was rejected from further analysis in the EIR.

Preface and Responses to Comments

Addressing points from the current Encinitas General Plan versus this project:

2.1.1- This project will scare all existing wildlife out of this natural landscape during the construction period and negatively affect the remaining wildlife if the project is completed. These animals will be killed either by construction traffic or by increased road traffic of adjoining roadways such as La Costa Avenue. Cutting into the natural slope of the hills will also have a negative impact regarding fire and fire control in the event of fire and soil stability in case of earthquake or flooding.

15-4

15-4

Comment Summary:

The commenter asserts that project construction would cause wildlife at the site to relocate, and further, that construction traffic and operational traffic would kill area wildlife. The commenter expresses concern that proposed cutting into steep slopes would result in adverse effects related to fire control and soil stability in the event of an earthquake or flooding.

Response:

Project impacts relative to wildfire are analyzed in EIR Section 3.15, Wildfire. The project has the potential to exacerbate wildfire risks. Mitigation measure WF-1 would require implementation of measures outlined in the Fire Protection Plan to reduce potential fire threat and provide heightened protection. The project would be constructed in compliance with access and design requirements of the City of Encinitas Fire Department (conditions of approval) and recommendations of the Fire Protection Plan (Appendix O of the EIR) and would be subject to payment of impacts fees to ensure that public safety services can be adequately provided for the project site.

15-5

2.1.2- These proposed units by Lennar Homes are no way close to fitting in with the current design and characteristics of existing local homes in the area. The development is progressive in its design and completely out of place. The structures are too high, too close to one another and fit an urban expansion project. Completely off target from the Encinitas City Plan’s intent, as well as the restrictions within the Scenic Visual Corridor. Not to mention the small ratio of low income offerings does nothing to fulfill the states mandate to supply low income homes. In 2-3 years, at current rates, what will be low income? Who pays the difference? How do you assure that local residents will not be tasked with shouldering the burden?

2.1.3-Local schools can barely handle the amount of children now or the heavy to and from traffic currently pushed through our neighborhood. Our roads are in poor condition and can never be made wide enough to account for additional cars’ trucks, buses, bikes and humans and pets. The neighborhood is land locked and it was not designed to have such condensed housing or the traffic resulting from such. Please have the EIR address the back up of vehicles during Capri Elementary drop-off and pick-up times and how to reduce/improve traffic flow. Why didn’t the EIR address Capri traffic and PP impact upon an already intolerable situation?

15-6

2.3-The Piraeus Point Project and additional local housing developments must be considered as one, as they will have a compounding effect on the ability of the city to provide adequate resources to support the needs of the additional residents, not to mention the current residents. Just the impact on utilities such as energy and water, which are currently running at a deficit, with the increased demand, will leave existing residents in a dangerous position in the event of

15-7

Impacts of the proposed project relative to geology and soils are analyzed in EIR Section 3.6, Geology and Soils. The project applicant would be required to prepare a Final Geotechnical Investigation. The project would be designed and constructed in accordance with requirements of the California Building Code and local requirements, combined with recommendations made in the Geotechnical Investigation. With conformance to such regulations, the project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or offsite landslide, lateral spreading, or collapse. Impacts were determined to be less than significant.

15-5

Comment Summary:

The commenter feels that the project as proposed would not be compatible with the design of homes in the surrounding community, particularly due to proposed building height, spacing between the buildings, and the urban

Addressing points from the current Encinitas General Plan versus this project:

2.1.1- This project will scare all existing wildlife out of this natural landscape during the construction period and negatively affect the remaining wildlife if the project is completed. These animals will be killed either by construction traffic or by increased road traffic of adjoining roadways such as La Costa Avenue. Cutting into the natural slope of the hills will also have a negative impact regarding fire and fire control in the event of fire and soil stability in case of earthquake or flooding.

2.1.2- These proposed units by Lennar Homes are no way close to fitting in with the current design and characteristics of existing local homes in the area. The development is progressive in its design and completely out of place. The structures are too high, too close to one another and fit an urban expansion project. Completely off target from the Encinitas City Plan's intent, as well as the restrictions within the Scenic Visual Corridor. Not to mention the small ratio of low income offerings does nothing to fulfill the states mandate to supply low income homes. In 2-3 years, at current rates, what will be low income? Who pays the difference? How do you assure that local residents will not be tasked with shouldering the burden?

2.1.3-Local schools can barely handle the amount of children now or the heavy to and from traffic currently pushed through our neighborhood. Our roads are in poor condition and can never be made wide enough to account for additional cars' trucks, buses, bikes and humans and pets. The neighborhood is land locked and it was not designed to have such condensed housing or the traffic resulting from such. Please have the EIR address the back up of vehicles during Capri Elementary drop-off and pick-up times and how to reduce/improve traffic flow. Why didn't the EIR address Capri traffic and PP impact upon an already intolerable situation?

2.3-The Piraeus Point Project and additional local housing developments must be considered as one, as they will have a compounding effect on the ability of the city to provide adequate resources to support the needs of the additional residents, not to mention the current residents. Just the impact on utilities such as energy and water, which are currently running at a deficit, with the increased demand, will leave existing residents in a dangerous position in the event of

15-4

15-5

15-6

15-7

feel of the buildings. As such, the commenter believes that the project is inconsistent with City goals and Scenic Visual Corridor requirements. The commenter also expresses concern regarding the limited amount of low income housing proposed, what qualifies as low income, and how such housing is ultimately financed.

Response:

Please refer to Master Response 4. The project site lies within the Scenic View Corridor for I-5. Development within such critical viewshed areas is subject to overlay restrictions and to the City's discretionary design review process to ensure that the architectural style and character of proposed structures and other improvements do not conflict with the surrounding character, obstruct scenic views, or reduce the value of any scenic resource. The project has been designed in conformance with applicable Scenic/Visual Corridor Overlay and California Coastal Commission design requirements.

Effects analyzed under CEQA must be related to a physical change (CEQA Guidelines, Section 15358(b)); CEQA does not require analysis of project costs nor economic impacts. All affordable housing resulting with the project would be operated in compliance with State Housing Laws and is not considered an issue of environmental concern relevant to CEQA or one that requires analysis in the EIR.

15-6

Comment Summary:

The commenter feels that local schools are currently struggling due to a lack of capacity and traffic congestion. The commenter indicates that local roads would not be able to handle the increase in traffic resulting from the proposed condensed development. The commenter requests that the EIR address traffic flow during Capri Elementary School pick up and drop off times and how the proposed project would contribute to an existing "intolerable situation."

Response:

Please refer to Master Responses 1 and 2.

Preface and Responses to Comments

power loss due to brownouts caused by increased demand during high usage times and now way for SDGE to increase grid capacity. These projects are mandated to only use electric power and no amount of solar inclusion can keep up with this demand, especially at peak times when the sun is down. This data is available to anyone who cares to find it. Even in a period of record rain fall, the state is not prepared to capture that water and help themselves out of drought conditions. Again, increase demand and limited resources will lead to higher fees and water rationing thus punishing the existing residents. How can the EIR better address these combined development upon our local streets to be impacted?

2.10-Lennar has stated that it would be too costly to bury the utility lines underground and expect the local residents to accept the utility poles and lines as part of their line of sight just so Lennar doesn't have to incur extra cost to build the project. This is unacceptable. Insist the undergrounding of Utilities, No exceptions.

3.1 And 6.6-This is becoming an exercise in redundancy as the Encinitas General Plan was designed and authored to allow for development with the intent to not make Encinitas into an urbanized community. This project is a perfect example of not only ignoring the General Plan but blatantly spitting on it and thus spitting on the residents that have made Encinitas into the great community that it is and to the newer homeowners that have chosen Encinitas because of these same great qualities. There are plenty of cities that welcome this type of design and development and Lennar should offer this plan to those cities, not ours.

I appreciate the opportunity to have my observations included in the process of evaluation of this project and looks forward to the response from the city.

Ray Gutoski

15-7
cont'd
15-8
15-9
15-10

15-7

Comment Summary:

The commenter feels that the proposed project must be analyzed in conjunction with other housing projects to address how the City's ability to support future and existing residences may be impacted. The commenter expresses particular concerns related to increased energy demands and water demands, both of which could result in increased fees for residents and the need for water rationing. The commenter asks that for the EIR to better address the impacts of the proposed project in conjunction with other developments in the area.

Response:

Please refer to Master Response 2 and Response 15-2 above. Cumulative impacts of the proposed project related to utilities, such as energy and water demand, when considered in conjunction with other reasonably foreseeable projects, are adequately analyzed at the end of Section 3.14, Utilities and Service Systems. Comments indicating that the EIR needs to better address cumulative impacts of the project are conclusory in nature and provide no specifics on how the analysis is lacking or otherwise inadequate per the provisions of CEQA and State CEQA Guidelines. No change to the EIR analysis is required in response to the comments provided.

15-8

Comment Summary:

The commenter feels that it is unacceptable for the applicant to be exempted from undergrounding utilities in order to save money.

Response:

Please refer to Master Response 4.

15-9

Comment Summary:

The commenter feels that the project ignores and actively violates the General Plan and would be an insult to City residents who have contributed

power loss due to brownouts caused by increased demand during high usage times and now way for SDGE to increase grid capacity. These projects are mandated to only use electric power and no amount of solar inclusion can keep up with this demand, especially at peak times when the sun is down. This data is available to anyone who cares to find it. Even in a period of record rain fall, the state is not prepared to capture that water and help themselves out of drought conditions. Again, increase demand and limited resources will lead to higher fees and water rationing thus punishing the existing residents. How can the EIR better address these combined development upon our local streets to be impacted?

2.10-Lennar has stated that it would be too costly to bury the utility lines underground and expect the local residents to accept the utility poles and lines as part of their line of sight just so Lennar doesn't have to incur extra cost to build the project. This is unacceptable. Insist the undergrounding of Utilities, No exceptions.

3.1 And 6.6-This is becoming an exercise in redundancy as the Encinitas General Plan was designed and authored to allow for development with the intent to not make Encinitas into an urbanized community. This project is a perfect example of not only ignoring the General Plan but blatantly spitting on it and thus spitting on the residents that have made Encinitas into the great community that it is and to the newer homeowners that have chosen Encinitas because of these same great qualities. There are plenty of cities that welcome this type of design and development and Lennar should offer this plan to those cities, not ours.

I appreciate the opportunity to have my observations included in the process of evaluation of this project and looks forward to the response from the city.

Ray Gutoski

15-7
cont'd

15-8

15-9

15-10

to the community. The commenter feels that this project belongs in a different city.

Response:

The City acknowledges the commenter's opposition to the project. Refer also to Master Response 4 relative to Visual Impacts/Community Character. The commenter does not raise an issue of environmental concern relative to CEQA nor question the adequacy of the EIR. No further response is required.

15-10

Comment Summary:

The commenter indicates that they appreciate the opportunity to provide comments and looks forward to the City's response.

Response:

This comment is a conclusion and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

To: Nick Koutoufidis

Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,
Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project. 16-1

Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site. 16-2

Biology Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units. 16-3

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. 16-4

Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles. 16-5

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking? 16-6

Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area. 16-7
16-8

Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. Deny all the waivers and incentives. 16-9

Regards
Noren Honda Noren Honda 3/6/2023
976 URANIA Ave 760 492 4684
ENCINITAS, CA. 92024

16 Noren Honda

16-1

Comment Summary:

The commenter thanks the City for the opportunity to comment on the EIR and expresses that they are opposed to the proposed project.

Response:

The comment provided is introductory and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR.

16-2

Comment Summary:

The commenter feels that the onsite steep slopes should not be graded but should rather be protected due to the site's location within a Scenic Visual Corridor. The commenter also states opposition to the proposed 40-foot retaining walls.

Response:

Refer to Response 10-2.

16-3

Comment Summary:

The commenter asserts that the amount of soil removed associated with impacts to steep slopes would adversely affect native vegetation and wildlife on the project site. The commenter feels that this would be in conflict with the City's Climate Action Plan.

Response:

Refer to Response 10-3.

16-4

Comment Summary:

The commenter asks that the City deny the waiver requested by the applicant to avoid the requirement to underground utilities, as the

To: Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

nkoutoufidis@encinitasca.gov

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,

Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project. 16-1

Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site. 16-2

Biology-Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units. 16-3

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. 16-4

Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles. 16-5

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking? 16-6

Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area. 16-7
16-8

Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. Deny all the waivers and incentives. 16-9

Regards

Noreen Honda Noreen Honda 3/6/2023
976 URANIA Ave 760 492 4684
ENCINITAS, CA. 92024

applicant was aware of “the rules, site’s constraints, and cost of developing prior to getting involved with the property.”

Response:

Refer to Master Response 4.

16-5

Comment Summary:

The commenter expresses concern over increased traffic and related effects that may worsen with project implementation. The commenter states that direct access to Leucadia Boulevard from Piraeus Street is no longer available and causes local traffic to instead navigate through narrow roads which presents a safety concern for both vehicles and pedestrians.

Response:

Refer to Response 10-5.

16-6

Comment Summary:

The commenter indicates that the project would not provide adequate parking and would cause residents of the project to park along nearby streets.

Response:

Refer to Response 10-6.

16-7

Comment Summary:

The commenter notes concern regarding existing safety issues near Capri Elementary School and roads in its vicinity, as well as the lack of improvements proposed to address the increase in pedestrian and vehicular traffic at and near the school.

Response:

Refer to Response 10-7.

Preface and Responses to Comments

To: Nick Koutoufidis

Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,
Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project. 16-1

Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site. 16-2

Biology-Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units. 16-3

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. 16-4

Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles. 16-5

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking? 16-6

Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area. 16-7
16-8

Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. Deny all the waivers and incentives. 16-9

Regards
Noreen Honda Noreen Honda 3/6/2023
976 URANIA Ave 760 492 4684
ENCINITAS, CA. 92024

16-8

Comment Summary:

The commenter notes that MERV-16 filters would be required with project implementation and expresses concern about cancer risks for those occupying the proposed rooftop decks.

Response:

Refer to Response 10-8.

16-9

Comment Summary:

The commenter states that the proposed project is not compatible with the surrounding neighborhood, the scenic visual corridor, nor the "gateway" to Encinitas. The commenter requests that all waivers and incentives associated with the project be denied.

Response:

Please refer to Response 10-9.

From: Rich Horowitz <rich@morrisonhotelgallery.com>
Sent: Sunday, February 5, 2023 8:50 AM
To: Nick Koutoufidis
Subject: Case # MULTI-005158-2022 Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Dear Mr. Koutoufidis

As a 36 year resident of Encinitas, and with my home located very close to the proposed location of Piraeus Point, I would like to express my concern in regards to the safety issues surrounding this project. 17-1

My first concern is the lack of sidewalks from Piraeus to Caudor Street, which is the route that children would have to walk in order to reach Capri School. Children taking that route have no safe place to walk. 17-2

It's also reasonable and foreseeable that the lack of sufficient parking for the new residents will create unintended consequences. There is no street parking and any overflow, whether it be from the residents or their guests, will have no place to go. There is not room on the adjoining streets for parking as they are too narrow. 17-3

I urge the city to figure out a way to mitigate these safety concerns and I feel that this particular parcel of land is unsuitable for a project of this size. 17-4

Regards,

Richard Horowitz
1643 Caudor St.
Encinitas, CA 92024

760-519-3823

Soho - West Hollywood - Maui

17 Richard Horowitz

17-1

Comment Summary:

The commenter indicates that he has resided in the City for 36 years and lives near the project site. The commenter expresses safety concerns associated with the proposed project.

Response:

This comment is an introductory statement. It does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

17-2

Comment Summary:

The commenter expresses safety concerns for children walking to Capri Elementary School due to the lack of sidewalks from Piraeus Street to Caudor Street.

Response:

Please refer to Master Response 1.

17-3

Comment Summary:

The commenter states that the project does not propose enough onsite parking for residents and guests, which is a concern due to the lack of street parking on surrounding streets which are narrow and cannot adequately accommodate vehicle parking.

Response:

Please refer to Master Response 1.

Preface and Responses to Comments

From: Rich Horowitz <rich@morrisonhotelgallery.com>
Sent: Sunday, February 5, 2023 8:50 AM
To: Nick Koutoufidis
Subject: Case # MULTI-005158-2022 Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Dear Mr. Koutoufidis

As a 36 year resident of Encinitas, and with my home located very close to the proposed location of Piraeus Point, I would like to express my concern in regards to the safety issues surrounding this project. 17-1

My first concern is the lack of sidewalks from Piraeus to Caudor Street, which is the route that children would have to walk in order to reach Capri School. Children taking that route have no safe place to walk. 17-2

It's also reasonable and foreseeable that the lack of sufficient parking for the new residents will create unintended consequences. There is no street parking and any overflow, whether it be from the residents or their guests, will have no place to go. There is not room on the adjoining streets for parking as they are too narrow. 17-3

I urge the city to figure out a way to mitigate these safety concerns and I feel that this particular parcel of land is unsuitable for a project of this size. 17-4

Regards,

Richard Horowitz
1643 Caudor St.
Encinitas, CA 92024

760-519-3823

Soho - West Hollywood - Maui

17-4

Comment Summary:

The commenter requests that the City mitigate for the previously mentioned safety concerns. The commenter also feels that the size of the proposed project is not appropriate for the project site.

Response:

Please refer to Master Response 1 which addresses previously mentioned safety concerns. Refer also to Master Response 4. The project site (APN 254-144-01) currently has a General Plan land use designation of R30 OL (Residential 30 Overlay) and RR2 (Rural Residential; 1.01-2.00 dwelling units per acre) and is zoned RR2 with a R-30 overlay zone as part of the City's Housing Element. Under the R-30 overlay designation and zoning, the project site could be developed with up to 161 residential units without application of allowances under state Density Bonus laws [(5.36 net acres x 30 DU/acre)]. With the application of a density bonus, the project could support up to 310 homes [(6.88 gross acres x 30 DU/acre) x 1.5 density bonus]. No changes to the existing land use or zoning are required or proposed to allow for project implementation. The 149 multi-family residential units proposed with the project would therefore be within the allowable unit count as identified in the HEU.

From: Brian Howarth <brianhowarth99@gmail.com>
Sent: Tuesday, January 31, 2023 2:26 PM
To: Nick Koutoufidis
Cc: Encinitas community collective; Linked In
Subject: Piraeus Point Case # Multi - 005158-2022

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Hello Nick.

I have reviewed the EIR and referenced my message sent on June 24th 2022 and feel that many of the concerns expressed back in June are not adequately addressed in the EIR.

Some concerns, like traffic, do not appear to be addressed at all.

Please take a moment to read the below concerns and help the citizens of our community find reasonable solutions, require the builder to make adjustments or improvements to the road, or deny the project.

Traffic flow

- o Traffic - Piraeus is dead end going south to access the 5.
- o Can the city and builder provide solutions for traffic going south that does not include traffic moving through small neighborhood roads?

Mobility / safety

- o Children living in Piraeus point will be close enough to Capri to walk. There are no sidewalks between Piraeus and Caudor which means children will be walking the road.
- o If you have ever walked that road, especially around 8am, you would know it is not safe to walk. It would seem the city would have responsibility to provide safety for people walking that road.
- o Can the city require the builder to add sidewalks?
- o Kids walking this stretch would be a safety issue for both kids and cars.

18-1

18-2

18-3

18-1 Brian Howarth

18-1

Comment Summary:

The commenter asserts that many of their concerns previously expressed in a message to the City dated June 24, 2022 are not adequately addressed in the EIR and other concerns, such as traffic, are not included in the EIR analysis. The commenter asks that the City consider the concerns raised in subsequent sections of the current comment letter provided.

Response:

This comment is introductory and provides context for the concerns outlined in subsequent sections of the comment letter. Transportation impacts associated with the proposed project adequately analyzed in Section 3.12 of the EIR.

18-2

Comment Summary:

The commenter states that Piraeus Street “is dead end” when traveling south toward I-5 and asks that the City and applicant determine solutions to support traffic flows along southbound Piraeus Street that would not impact the nearby neighborhood roads.

Response:

Please refer to Master Response 1.

18-3

Comment Summary:

The commenter expresses concerns over the lack of sidewalks extending from Piraeus Street to Caudor Street, which poses safety issues for children walking to Capri Elementary School from the project site, as well as cars.

Response:

Please refer to Master Response 1.

Preface and Responses to Comments

Parking

- o Piraeus is narrow and the project appears to provide parking for homeowners but not guests. With over 120 homes where are guests expected to park?
- o Doesn't the city have some responsibility to require the builder provide adequate parking on the premises for some percentage of owners? For example if there are 129 homes what level of guest parking is adequate?
- o Guessing the number would be more than 50?
- o Can the city mandate the builder adjust to provide more parking on premises? The concern is that otherwise cars will park on the already narrow road and into the neighborhood.

18-4

School

- o Capri is near capacity. Where is the city proposing residents of Piraeus Point send their kids to middle school?
- o Has the city considered or proposed a new school to be built?
- o If a proposed school is to be built what is the expected timing for new students and where would residents of Piraeus Point go in the meantime?
- o Has the city proposed a solution that would provide schooling for the new residents of the several new projects including Piraeus Point, Fox Point, and others?

18-5

Street lighting

- o With the increased traffic flow is the city proposing a streetlight at the intersection of Plato and Piraeus?
- o How is the city addressing the increase in traffic at Piraeus and Plato to ensure safety for new residents and existing residents?

18-6

Adding over 100 homes into that small area with little to no traffic solution, parking, sidewalks, street lights, etc would seem to be an overall safety concern to existing and new residents.

18-7

Sincerely,
Brian Howarth

18-4

Comment Summary:

The commenter questions whether the amount of guest parking provided is adequate and asks that the City require the applicant to provide more onsite parking spaces to prevent cars from parking on the road and in the nearby neighborhood.

Response:

Please refer to Master Response 1.

18-5

Comment Summary:

The commenter expresses concern over the capacity of local elementary and middle schools, especially when considered in conjunction with other developments nearby to the project. The commenter also asks whether the City plans to building a new school, with consideration for school aged children that would be generated by other new development projects in the area.

Response:

Please refer to Master Response 2.

18-6

Comment Summary:

The commenter asks if the City is proposing a streetlight at the intersection of Piraeus Street and Plato Place. The commenter also asks how the City would ensure safety along Piraeus Street and Plato Place would be maintained given the increase in traffic that would result with project implementation.

Response:

Please refer to Master Response 1. A streetlight is not proposed at the intersection identified above. The need for offsite roadway or intersection improvements, including signalization, was not identified by the Local Transportation Analysis prepared for the project as proposed (Intersecting Metrics 2022).

Parking

- o Piraeus is narrow and the project appears to provide parking for homeowners but not guests. With over 120 homes where are guests expected to park?
- o Doesn't the city have some responsibility to require the builder provide adequate parking on the premises for some percentage of owners? For example if there are 129 homes what level of guest parking is adequate?
- o Guessing the number would be more than 50?
- o Can the city mandate the builder adjust to provide more parking on premises? The concern is that otherwise cars will park on the already narrow road and into the neighborhood.

18-4

School

- o Capri is near capacity. Where is the city proposing residents of Piraeus Point send their kids to middle school?
- o Has the city considered or proposed a new school to be built?
- o If a proposed school is to be built what is the expected timing for new students and where would residents of Piraeus Point go in the meantime?
- o Has the city proposed a solution that would provide schooling for the new residents of the several new projects including Piraeus Point, Fox Point, and others?

18-5

Street lighting

- o With the increased traffic flow is the city proposing a streetlight at the intersection of Plato and Piraeus?
- o How is the city addressing the increase in traffic at Piraeus and Plato to ensure safety for new residents and existing residents?

18-6

Adding over 100 homes into that small area with little to no traffic solution, parking, sidewalks, street lights, etc would seem to be an overall safety concern to existing and new residents.

18-7

Sincerely,

Brian Howarth

18-7

Comment Summary:

The commenter states that the project presents safety concerns associated with traffic, parking, sidewalks, and street lights with the addition of the residential units proposed.

Response:

This comment is in conclusion and summarizes previously identified concerns (see Responses 18-2 through 18-6, above). No further response is required.

Preface and Responses to Comments

From: Yale Jallos <yale@yalejallosdesign.com>
Sent: Sunday, February 5, 2023 9:32 AM
To: Nick Koutoufidis
Subject: Piraeus Point EIR response

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Encinitas Planning Staff,

In Response to Piraeus Point EIR these are my concerns and comments:

1. Safety: Safety as it relates to TRAFFIC has not been addressed and this will result in injuries or worse in a neighborhood where many children walk to school. The report determines that traffic will be significantly affected, and that it is unavoidable. This is NOT a safe approach to SIGNIFICANT traffic increase in the area. This project should not be approved without a comprehensive city spending plan to actually address the traffic changes. Further, the studies done assume that all the traffic from the development will drive north to La Costa Ave. This is NOT the case. Many people will try to take a less busy drive south to Leucadia Blvd and cross the highway there to the business and restaurant center of Leucadia. A Major traffic increase heading SOUTH will occur. The current flow of traffic south to Normandy and down Urania is already maxed out at school drop off hours and work traffic. It has speed bumps (which are necessary for safety) and very unsafe sidewalks that do not allow strollers to even make it the whole way without going in the street. Allowing the city planners and the developer to move forward without creating a better path south by car using Piraeus to connect directly to Leucadia Blvd from the North should not be allowed. Routing all that traffic through Urania and Normandy is not safe for kids walking to school at Capri or for parents picking them up. The Encinitas community plan for traffic is VERY clear that safety is the main focus. The City Planning Commission and all its individual members would be directly responsible for any injuries or deaths resulting from overloading Urania and Normandy with south bound or north bound traffic. Not to mention Saxony as well, as many new home owners would cut through there to get to Stater Bros and Walmart daily. I have seen bad planning result in child deaths in San Diego in Clairemont. Poor planning lead to many street parked cars and blind corners. Higher density without a real pedestrian protection plan was the cause of this. Please consider full 2-way traffic on Piraeus south to connect to Leucadia Blvd.

19-1

2. Undergrounding the utilities for the project should be mandated. The city has the right and the power to demand that all power and utilities be underground to make this development far less offensive visually. All forward thinking cities are making this request of developers on new projects, we should not be an exception because the developer wants to save money.

19-2

3. The city is considering granting an exception to the steep hillside land use code and possibly allowing the developer to cut into 40% slope areas and use that area to count toward density. I think it would be best for these steep hillsides to not grant this exception. The city could offer 25 units per "code buildable" acre and satisfy state requirements. This would reduce the buildable acreage of the lot and the number of units slightly. The developer could build 25 units per acre based on the new adjusted area excluding the steep hillsides.

19-3

Finally, I urge the City Planning Commission members to really consider the changes that 900 more cars per day heading south and north through the neighborhoods will have on the safety of kids walking to school and to the Park. This is a real problem that is being ignored by this report and by the City Staff. In Addition, the huge influx of new children to Capri elementary will require a fast-track construction plan and City spending plan to build new classrooms and amenities for all the new kids who go to this school.

19-4

19 Yale Jallos

19-1

Comment Summary:

The commenter expresses safety concerns for children walking to school due to the increase in traffic that would occur as a result of project implementation and feels that the City should implement a comprehensive spending plan to address the change in area traffic. The commenter also takes issue with the traffic studies completed, particularly how they assume that all traffic from the project site would travel north toward La Costa Avenue. The commenter indicates that greater increased traffic congestion would occur for vehicles traveling south to Normandy Avenue and Urania Street, which would present increased safety issues for schoolchildren and parents. The commenter feels that the City should implement improvements to allow for two-way traffic along Piraeus Street that connects directly to Leucadia Avenue.

Response:

Please refer to Master Response 1.

19-2

Comment Summary:

The commenter states that the applicant should be required to underground utilities, particularly because the project would be "far less offensive visually" as a result.

Response:

Refer to Master Response 4. As discussed in Section 3.1, Aesthetics, of the EIR, overhead utility poles are present in the visual landscape under existing conditions. Therefore, the project would not result in development that would adversely affect scenic views along the I-5 corridor, La Costa Avenue, or otherwise adversely affect existing scenic views or resources within the surrounding area in this regard.

From: Yale Jallos <yale@yalejallosdesign.com>
Sent: Sunday, February 5, 2023 9:32 AM
To: Nick Koutoufidis
Subject: Piraeus Point EIR response

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Encinitas Planning Staff,

In Response to Piraeus Point EIR these are my concerns and comments:

1. Safety: Safety as it relates to TRAFFIC has not been addressed and this will result in injuries or worse in a neighborhood where many children walk to school. The report determines that traffic will be significantly affected, and that it is unavoidable. This is NOT a safe approach to SIGNIFICANT traffic increase in the area. This project should not be approved without a comprehensive city spending plan to actually address the traffic changes. Further, the studies done assume that all the traffic from the development will drive north to La Costa Ave. This is NOT the case. Many people will try to take a less busy drive south to Leucadia Blvd and cross the highway there to the business and restaurant center of Leucadia. A Major traffic increase heading SOUTH will occur. The current flow of traffic south to Normandy and down Urania is already maxed out at school drop off hours and work traffic. It has speed bumps (which are necessary for safety) and very unsafe sidewalks that do not allow strollers to even make it the whole way without going in the street. Allowing the city planners and the developer to move forward without creating a better path south by car using Piraeus to connect directly to Leucadia Blvd from the North should not be allowed. Routing all that traffic through Urania and Normandy is not safe for kids walking to school at Capri or for parents picking them up. The Encinitas community plan for traffic is VERY clear that safety is the main focus. The City Planning Commission and all its individual members would be directly responsible for any injuries or deaths resulting from overloading Urania and Normandy with south bound or north bound traffic. Not to mention Saxony as well, as many new home owners would cut through there to get to Stater Bros and Walmart daily. I have seen bad planning result in child deaths in San Diego in Clairemont. Poor planning lead to many street parked cars and blind corners. Higher density without a real pedestrian protection plan was the cause of this. Please consider full 2-way traffic on Piraeus south to connect to Leucadia Blvd.

2. Undergrounding the utilities for the project should be mandated. The city has the right and the power to demand that all power and utilities be underground to make this development far less offensive visually. All forward thinking cities are making this request of developers on new projects, we should not be an exception because the developer wants to save money.

3. The city is considering granting an exception to the steep hillside land use code and possibly allowing the developer to cut into 40% slope areas and use that area to count toward density. I think it would be best for these steep hillsides to not grant this exception. The city could offer 25 units per "code buildable" acre and satisfy state requirements. This would reduce the buildable acreage of the lot and the number of units slightly. The developer could build 25 units per acre based on the new adjusted area excluding the steep hillsides.

Finally, I urge the City Planning Commission members to really consider the changes that 900 more cars per day heading south and north through the neighborhoods will have on the safety of kids walking to school and to the Park. This is a real problem that is being ignored by this report and by the City Staff. In Addition, the huge influx of new children to Capri elementary will require a fast-track construction plan and City spending plan to build new classrooms and amenities for all the new kids who go to this school.

19-3

Comment Summary:

The commenter feels that the applicant should not be granted an exception to encroach into 40 percent steep slope areas. The commenter suggests that instead, the City allow 25 units per "code buildable" acre, which would reduce the buildable acreage onsite and the proposed number of units, thereby preventing encroachment into steep slope areas.

Response:

Refer to Master Response 4. The waiver requested for the project is necessary because the project exceeds the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project requires an approximately 40% encroachment into steep slope areas, and without this waiver, the project footprint would be substantially reduced, impacting the project's ability to provide for deed-restricted affordable housing onsite. Such a request is consistent with allowances under State Density Bonus Law which supersedes local zoning regulations for Housing Element projects.

19-4

Comment Summary:

The commenter expresses safety concerns for children walking to school and the park due to the increase in traffic on local roadways that would result with project implementation. The commenter feels that the City needs a "fast-track construction plan" and spending plan to address the increase in classrooms and amenities that would be needed at Capri Elementary School. The commenter notes that they are a parent who is "overwhelmed by the speed and frequency of traffic on Urania Ave."

Response:

Please refer to Master Responses 1 and 2.

19-1

19-2

19-3

19-4

Preface and Responses to Comments

I am a parent with 2 boys and we are already overwhelmed by the speed and frequency of traffic on Urania Ave. Please consider my comments.

19-4
cont'd

If the goal is to create lower income housing, let's do that in a safe way which is aligned with the City's stated goals for safety. Let's not ignore this aspect.

19-5

Thank you,
Yale Jallos

YALE JALLOS DESIGN
C: 619.623.2901
yalejallosdesign.com

19-5

Comment Summary:

The commenter states that public safety and the City's goals should not be ignored in the City's goal to provide more low-income housing.

Response:

This comment is made in conclusion does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Dennis Kaden

1611 Caudor St.

Encinitas CA

February 6, 2023

Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,

Here are my comments regarding the draft EIR. Thank you in advance for considering them and assuring they be intelligently addressed by Lennar and the City of Encinitas.

Encinitas's General Plan states specific policies to protect the character of neighborhoods and to prevent urbanization, while protecting sensitive bluffs and hillsides. The EIR does not speak to any enforcement of these policies and how enforcement would impact the design and bulk of the project. The draft EIR needs to identify how the project would look with virtually all our General Plan Land Use policies being enforced.

2 . 1 . 1 . Protect our natural resources such as lagoons, watershed, riparian, and wildlife habitat, natural vegetation, bluffs, and hillsides for our lives, our children's lives and future generations.

2 . 1 . 2 . Prevent the urbanization of our small town character and maintain the individual character of our five unique communities.

2 . 1 . 3 . Ensure infrastructure and public benefits, such as schools, parks, roads, sewer, and water facilities, are adequately planned and funded prior to approving any increase in zoning.

2 . 1 . 4 . Preserve our community's zoning and property rights in perpetuity, if we so choose. This measure does not limit development as currently permitted under existing vested property rights of land owners. It entrusts the protection of the community's shared property rights, including the final approval on proposed increased zoning densities, to the majority vote of the Voters of Encinitas.

20-1

20-2

20 Dennis Kaden

20-1

Comment Summary:

The commenter thanks the City for ensuring that the concerns raised will be properly addressed by the applicant and the City.

Response:

This comment is introductory and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

20-2

Comment Summary:

The commenter states that the EIR should address consistency with the General Plan, specifically how the enforcement of its policies would impact the design and bulk of the project as proposed. The commenter includes references to several General Plan policies related to the protection of natural resources; community character; infrastructure and public services; and zoning and property rights..

Response:

Refer also to Master Response 4. The City will evaluate project consistency with the City's General Plan goals and policies when determining whether to approve the project as proposed.

Preface and Responses to Comments

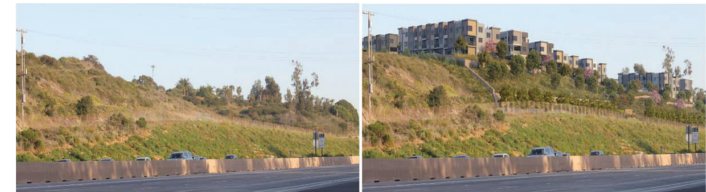
DO NOT CUT INTO STEEP SLOPES

The site is within the visual corridor. The steep slopes should not be cut into. The draft EIR considers them being cut into without regard. The draft EIR should also consider the ramifications of not cutting into the steep slopes, and what that would mean for the project. It needs to be re-addressed. Why was it not considered as an option? Why was Coastal Act section 30251 ignored?

Resource Management Element
Policy 10.1: The City will minimize development impacts on coastal mixed chaparral and coastal sage scrub environmentally sensitive habitats by preserving within the inland bluff and hillside systems, all native vegetation natural slopes of 25% grade and over other than manufactured slopes. Please enforce this policy and do not encroach or cut into the steep bluffs, nor allow the removal of 60,000 cubic yards of soil.

Resource Management 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. NOTE: Minimize hillside cutting.

The Act also requires protection of views and to minimize alteration of natural landforms, to be visually compatible with the character of surrounding areas. Does this image look as it is compatible with the surrounding area? The entire Scenic Visual I-5 Corridor looks as the image on the left, not with high density three story buildings as on the right. The visual corridor needs its protections and limitations on development to be considered and honored. Ask the draft EIR to address this.



A 40 percent encroachment into the bluff should be denied. It totally removes virtually all the slope and 60,000 cubic yards of soil. It eliminates any natural slope and sensitive biologicals. It is an obliteration to the site and requires excessive grading. It violates the Sixth Cycle Housing Element Goal 2.7. and the EIR ignores section 30251 of the Coastal Act. You cannot, in good conscience, approve cutting into the slope and allow for this severe, site destructing grading and should reevaluate its results based on enforcing 30251 and deny this project site as useable for this project. This project screams to be a biological/environmental preserve.

I take exception to the wording of this sentence: and it is found that the bulk and Piraeus Point scale of the proposed structure has been minimized to the greatest extent feasible and such encroachment is necessary for minimum site development and that the maximum contiguous area of sensitive slopes shall be preserved. The structure (i.e. project) is actually MAXIMIZING every inch of the property for

20-3

20-4

20-5

20-6

20-3

Comment Summary:

The commenter asserts that the project should not cut into steep slopes due to the site’s location within a visual corridor. The commenter states that the EIR needs to address the consequences of not encroaching into steep slopes and why this was not proposed as a potential option. The commenter also states that Coastal Act Section 30251 was disregarded. The commenter identifies several policies from the Resource Management Element of the General Plan that refer to inland bluffs and hillside grading.

Response:

Refer to Master Response 4.

20-4

Comment Summary:

The commenter questions the project’s adherence to the Coastal Act, relative to the protection of views and minimizing alteration of natural landforms. as the commenter asserts that the project would not be compatible with the surrounding area (particularly as seen from I-5). The commenter asks that the EIR address protections to the visual corridor and limitations on development.

Response:

Refer to Master Response 4.

20-5

Comment Summary:

The commenter raises concerns regarding the proposed encroachment into steep slopes, particularly how this would impact natural slopes and sensitive biological resources. The commenter feels that the project does not comply with Housing Element Goals and that the EIR does not consider Section 30251 of the Coastal Act. The commenter also believes that the project site should instead be a biological/environmental preserve.

DO NOT CUT INTO STEEP SLOPES

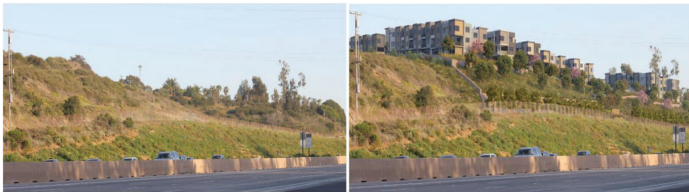
The site is within the visual corridor. The steep slopes should not be cut into. The draft EIR considers them being cut into without regard. The draft EIR should also consider the ramifications of not cutting into the steep slopes, and what that would mean for the project. It needs to be re-addressed. Why was it not considered as an option? Why was Coastal Act section 30251 ignored?

Resource Management Element

Policy 10.1: The City will minimize development impacts on coastal mixed chaparral and coastal sage scrub environmentally sensitive habitats by preserving within the inland bluff and hillside systems, all native vegetation natural slopes of 25% grade and over other than manufactured slopes. Please enforce this policy and do not encroach or cut into the steep bluffs, nor allow the removal of 60,000 cubic yards of soil.

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

The Act also requires protection of views and to minimize alteration of natural landforms, to be visually compatible with the character of surrounding areas. Does this image look as it is compatible with the surrounding area? The entire Scenic Visual I-5 Corridor looks as the image on the left, not with high density three story buildings as on the right. The visual corridor needs its protections and limitations on development to be considered and honored. Ask the draft EIR to address this.



A 40 percent encroachment into the bluff should be denied. It totally removes virtually all the slope and 60,000 cubic yards of soil. It eliminates any natural slope and sensitive biologicals. It is an obliteration to the site and requires excessive grading. It violates the Sixth Cycle Housing Element Goal 2.7. and the EIR ignores section 30251 of the Coastal Act. You cannot, in good conscience, approve cutting into the slope and allow for this severe, site destructing grading and should reevaluate its results based on enforcing 30251 and deny this project site as useable for this project.
This project screams to be a biological/environmental preserve.

I take exception to the wording of this sentence: and it is found that the bulk and Piraeus Point scale of the proposed structure has been minimized to the greatest extent feasible and such encroachment is necessary for minimum site development and that the maximum contiguous area of sensitive slopes shall be preserved. The structure (i.e. project) is actually MAXIMIZING every inch of the property for

20-3

20-4

20-5

20-6

Response:

Refer to Master Response 4. As described in EIR Section 3.4, Biological Resources, mitigation measures are proposed to reduce potential impacts on sensitive biological species to less than significant. The site was identified in the City’s Housing Element Update as intended for residential development in achieving State mandated housing goals and is therefore considered an appropriate location for the proposed project, which includes preservation of the northern parcel as undeveloped land in perpetuity.

20-6

Comment Summary:

The commenter asserts that the project is maximizing use of the site for development rather than minimizing building space to the extent possible, as indicated in the EIR. The commenter feels that the project does not provide spaces for children to play, a sufficient amount of parking, or enough open space. The commenter asks for further explanation as to why the project requires 40 percent encroachment into steep slopes when the EIR states that the project would preserve the “maximum contiguous area of sensitive slopes.”

Response:

Refer to Master Responses 1 and 4.

The project has been designed to meet the City’s recreational open space requirements via the provision of rooftop decks and the on-site pool/spa/gathering space and community paseo (required open space = 300 square feet/unit; proposed open space = 343 square feet/unit). The project as designed therefore meets the City’s minimum requirements for the provision of both private and public open space for the applicable zone and is further subject to discretionary review to ensure that such requirements are met. The provision of open space and play areas for children is not a topic of concern requiring analysis pursuant to CEQA; no further response is required in this regard.

Preface and Responses to Comments

buildings only. There are no sensible places for children to play together, i.e. kick a soccer ball, throw baseball/football/frizz bee, swing set, monkey bars, nor adequate parking, nor open spaces on land. Please explain why, if they are asking for 40% of the steep slope to be cut into, the idea of 'the maximum contiguous area of sensitive slopes shall be preserved' makes logical sense? Sounds the opposite to me.

20-6
cont'd

20-7

Comment Summary:

The comment provides language from Section 30251 of the Coastal Act.

Response:

This comment does not raise a specific environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required. Refer also to Master Response 4.

CA Coastal Act section 30251

*Views and local character are protected by the Coastal Act (30251):
The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

20-7

20-8

Comment Summary:

The commenter asserts that the City Council was not provided accurate information regarding the subject site in 2018, specifically regarding the percentage of onsite steep slopes, the site's location within the Scenic Visual Corridor, the buildable acres of the site, and wildlife constraints. The commenter asserts that the City should reassess whether to include the project site as a Housing Element site and feels the site should instead be preserved.

Unfortunately, the city council was given inaccurate information regarding this site during the 2018 selection process. Cannon 2 was presented as being 6.9 useable acres with slopes being less than 25%. The draft EIR demonstrates that the steep slopes are in fact 25% or more, lies within the Scenic Visual Corridor, limited to only 4+ buildable acres, with constraining wildlife mitigating measures. That should make for a new decision regarding this property. The council would not have chosen this sensitive site if it had accurate information. Remember the vote of Encinitas residents denied all the R-30 sites. Why not remove this site from the Housing Element and let it be preserved.

20-8

Response:

Refer to Master Response 4. The project as proposed has been designed in conformance with applicable local and State regulations for the protection of visual and biological resources and relative to engineering design requirements and allowances. Prior determinations made by the City are not environmental concerns pursuant to the provisions of CEQA, nor are they relevant to the adequacy of the EIR. No further response is required.

Underground the Utilities:

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

The draft EIR needs to include results of fulfilling the undergrounding of utilities.

*A deviation from this policy may be permitted only upon a finding that strict application thereof would preclude any reasonable use of the property (one dwelling unit per lot). This policy shall not apply to construction of roads of the City's circulation element, except to the extent that adverse impacts on habitat should be minimized to the degree feasible.
Encroachments for any purpose, including fire break brush clearance around structures, shall be limited as specified in Public Safety Policy 1.2, brush clearance, when allowed in an area of sensitive habitat or vegetation, shall be conducted by selective hand clearance (Coastal Act/30240/30250/30251/30253).*

20-9

20-10

Comment Summary:

The commenter indicates that the EIR should include "results of fulfilling the undergrounding of utilities" and provides language from the General Plan.

Public Safety Element

Policy 1.2: Restrict development in those areas where slope exceeds 25% as specified in the Hillside/Inland Bluff overlay zone regulations of the zoning code.

20-10

Response:

Refer to Master Response 4.

Encroachment into slopes as detailed in the Hillside/Inland Bluff overlay may range from 0 percent to a maximum of 20 percent, based on a sliding scale of encroachment allowances reflective of the amount of the property within steep slopes, upon the discretionary judgement that there is no feasible alternative siting or design which eliminates or substantially reduces the need for such encroachment, and it is found that the bulk and Piraeus Point scale of the proposed structure has been minimized to the greatest extent feasible and such encroachment is necessary for minimum site development and that the maximum contiguous area of sensitive slopes shall be preserved. Within the Coastal Zone and for the purposes of this section, "encroachment" shall constitute any activity which involves grading, construction, placement of structures or materials, paving, removal of native vegetation including clear-cutting for brush management purposes, or other operations which would render the area incapable of supporting native vegetation or being used as wildlife habitat. Modification from this policy may be made upon the finding that strict application of this policy would preclude any reasonable use of property (one dwelling unit per legal parcel). Exceptions may also be made for development of circulation element roads, local public streets or private roads and driveways which are necessary for access to the more developable portions of a site on slopes of less than 25% grade, and other vital public facilities, but only to the extent that no other feasible alternatives exist, and minimum disruption to the natural slope is made. Policy 1.2 amended 5/11/95 (Reso. 95-32)

Again, I kindly take exception to the wording of this sentence: *and it is found that the bulk and Piraeus Point scale of the proposed structure has been minimized to the greatest extent feasible and such encroachment is necessary for minimum site development and that the maximum contiguous area of sensitive slopes shall be preserved.* The structure (project) is actually MAXIMIZING every inch of the property for the buildings. There is NO leftover sensible space for children to play together, does not provide adequate parking, nor any reserved quiet open space on land. Please explain why, if they are asking for 40% of the steep slope to be cut into, the idea of 'the maximum contiguous area of sensitive slopes shall be preserved' makes logical sense and cutting into slopes should be denied, correct?

Air Quality:

Piraeus Point Townhomes is in Non-Attainment Ambient Air Quality Area.

How will the PP buyers be made aware of this permanent negative condition of living and breathing cancer causing fumes 24/7? As stated in the draft EIR: *Based on calculations included in the HRA, cancer risks for project residents resulting from exposure to suspended diesel particulates would exceed the established SDAPCD excess cancer risk significance threshold of 10 per one million exposed and could be considered a significant impact (Ldn Consulting, Inc. 2022b)*

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

The State of California has developed guidelines to address the significance of air quality impacts based on Appendix G of the CEQA Guidelines.

20-10
cont'd

20-11

20-10

Comment Summary:

The comment includes language from the Public Safety Element of the General Plan relative to restricting development in areas of steep slope in the Hillside/Bluff overlay zone. The comment reiterates previous concerns as described in Comment Summary 20-6.

Response:

Please refer to Response 20-6.

20-11

Comment Summary:

The commenter asserts that the project site is located in a non-attainment ambient air quality area and questions how residents of the project site would be notified of the potential cancer risks associated with exposure to suspended diesel particulates from I-5. The comment includes language from Section 3.2, Air Quality, of the EIR regarding onsite cancer risks and associated mitigation measures. The commenter requests that the EIR address whether onsite windows would remain closed and feels that odors within onsite residences may occur under such conditions. The commenter also asks that the EIR mention the risks associated with not replacing MERV-16 filters as recommended.

Response:

Please refer to Response 10-8.

Preface and Responses to Comments

*The proposed project would have a significant impact related to air quality if it would:
 Conflict with or obstruct the implementation of the applicable air quality plan.
 Expose sensitive receptors to substantial pollutant concentrations.
 Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.
 Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard.*

3.2 Air Quality: Pages 16 & 17 *The project site is located adjacent to I-5 between the off ramp of La Costa Avenue and Leucadia Boulevard. According to Caltrans, annual average daily trips (ADT) on I-5 are 213,000 ADT. Based on this data, I-5 would generate 0.0013 grams/second of diesel particulates over the modeled segment (Ldn Consulting, Inc. 2022b). Detailed EMFAC Model and Normalization calculations are provided in Attachment B of Appendix C-2.*

Based on calculations included in the HRA, cancer risks for project residents resulting from exposure to suspended diesel particulates would exceed the established SDAPCD excess cancer risk significance threshold of 10 per one million exposed and could be considered a significant impact (Ldn Consulting, Inc. 2022b). Refer also to Table 2: Cancer Risk at Worst-Case Outdoor Receptors (Unmitigated) of Appendix C-2.

In a study funded by CARB, the Lawrence Berkeley National Laboratory found that installation of Minimum Efficiency Reporting Value (MERV) 16 filtration on a supply ventilation system reduced PM2.5 by 96-97 percent and ultrafine particles (UFP) by 97-99 percent relative to outdoors (Ldn Consulting, Inc. 2022b) and such filters are therefore recommended for homes with exposure to higher levels of PM2.5.

To ensure that levels for the proposed residential units remain below significance thresholds, mitigation measure AQ-1 would require installation of MERV-16 filtrations systems within each proposed residence to reduce potential indoor levels of PM2.5.

Detailed descriptions of the mitigated cancer risk using MERV 16 filtration are included in Table 3: Cancer Risk at Worst-Case Indoor Receptors (Mitigated with MERV 16) of Appendix C-2. Impacts would be less than significant with mitigation incorporated.

*Mitigation Measures:
 AQ-1 Install MERV-16 Filters Within Homes. During project construction, MERV-16 filtration systems shall be installed within each residence.
 Level of Significance: Less than significant with mitigation incorporated.*

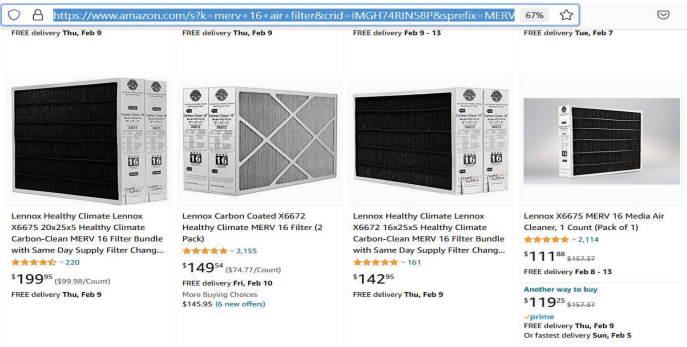
Due to constant high noise levels generated from the I-5 Freeway, easterly winds, and site located less than 200 meters from the freeway, it is highly probable that windows will be closed at all times. Can the draft EIR confirm this is probable?

The windows proposed for the Clark Apartments on its freeway facing side will be impossible to open. Permanently shut. Odors generated and contained within the Piraeus Point residences, despite the use of sophisticated MERV 16 air filters, may well be in the realm of mimicking an NBA/NFL locker room over time (humor intended).

The draft EIR states the air quality must be mitigated with use of MERV 16 air filters. The draft EIR does not cover the risks involved from improper replacement intervals of these MERV 16 filters. Have the EIR address this situation. The few MERV 16 manufacturers and American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) [see www.ashrae.org] recommend replacement every six months, including a warning for assuring proper fit to eliminate air flowing above/below the filter element, rendering it virtually useless.

20-11
cont'd

These MERV 16 filters are considerably higher in cost to homeowners than most furnace/AC air filters. Where does the draft EIR calculate what that annual expense will be, especially for the very low income resident? It should be clearly noted, as very low income residents may not feel the need, nor be able to financially purchase new filters on the recommended replacement schedule due to cost, and therefore endanger themselves and family members to the pollutants the draft EIR states is significant.



MERV 16 air filters are a vitally important mitigating device, or this project could not move forward. MERV 16 filters must be maintained/replaced often. Please ask the draft EIR to include a notification alert to prospective townhome buyers of this mitigating device, its annual cost and the danger of not replacing accordingly. How do the residents of Piraeus Point get notified of this important issue?

2.0 Project Design

Transportation Demand Management (TDM) Program

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

- "Implement Electric Bikeshare Program" - Electric bikeshare programs provide users with on-demand access to electric pedal assist bikes for short-term rentals to encourage a mode shift from vehicle use to electric bicycles. The project applicant would work with the City and its bikeshare vendor to expand this program into the project area.

- "Provide Community Based Travel Planning" - The project's homeowners association (HOA) would provide alternative modes of transportation information to residents and tenants as a part of the "new resident" or "new tenant" package. The HOA would also provide residents with transit schedules within the area, and alert residents when new transit services are added or when services are charged. The HOA would also act as a travel advisor, providing new residents and tenants with information regarding how members of households can travel in alternative ways that meet their needs.

This HOA information is almost insulting to us. Sounds so helpful, but it's not. There are no transit facilities nearby for this information to be of benefit. Shall we agree that virtually all PP residents will have one or two motor vehicles at least?

20-12

20-13

20-12

Comment Summary:

The commenter provides discussion regarding the costs of MERV-16 filters for homeowners, particularly for very low-income residents. The commenter feels that the EIR should include a "notification alert" for prospective residents of the project site as well as information regarding annual costs associated with replacing filters and the dangers of not replacing filters per the recommended schedule.

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. Required notifications or disclosures would be provided in conformance with applicable local or State requirements. Economic concerns, such as the cost of replacing the MERV filters, does not require evaluation under CEQA. No further response is required.

20-13

Comment Summary:

The commenter provides language from the EIR regarding the proposed Transportation Demand Program. The commenter asserts that the requirement for the HOA to provide information on public transit options pursuant to the proposed TDMs is unhelpful due to the absence of transit facilities in the project vicinity. The commenter questions where bike share racks and kiosks would be located onsite, how bikes would be recharged, and how much land the bike share program would require. The commenter also asserts that almost all residents would have at least 1-2 vehicles.

Response:

As evaluated in EIR Section 3.12, Transportation, TDMs relative to providing community based travel planning and implementing a bikeshare program are identified in CAPCOA's GHG Handbook as acceptable measures for reducing vehicle miles traveled. Although such measures are considered feasible and would be implemented, no VMT reductions were assumed due to existing conditions or other uncertainties.

Preface and Responses to Comments

The map does not show any space available for bike share racks/kiosks. Where are they to be located on the property? How recharged? How much more land space consumed?

Transportation:

The main entrance/exit to the project should have a much wider 'delta' at Piraeus. Vehicles making left hand turns onto Piraeus southbound can stack up and block vehicles turning right onto Piraeus. A wider entry/exit would prevent this back-up. Please have this added to the draft EIR as a circulation solution.

The EIR should re-address the increased traffic generated from this project. As it was initially surveyed during COVID restrictions, which severely reduced trip counts, now would be a better time to get more realistic numbers. What impact does Piraeus Point have on Normandy and Urania? What impact does Piraeus Point have on Plato, both Caudors, Capri Road, and Gascony? A separate survey should be taken during Capri Elementary peak drop off and pick-up times for each of these streets.

Parking:

Though the project is compliant with current Encinitas Ordinance 2021-12, providing 197-256 spaces, it would be far from compliant if under the former Encinitas Code 30.54.030 for parking, requiring 365 spaces. Our city Planners need to acknowledge the obvious need for more parking spaces on site for this project. The project is woefully lacking adequate parking for its resident's from "day one". As time progresses, couples have children, and children grow to adults who also drive vehicles. There is no parking for future growth on the site. There is hardly sufficient parking for guests on 'day one'. There is no draft EIR information speaking of the quality of life at Piraeus Point with such an insufficient amount of parking. The vehicles must go somewhere, and the draft EIR lacks details where that somewhere is. Please ask for a review of this condition. The Piraeus Point resident's mental health may be at risk, as the risks associate with parking on neighboring streets and the safety issues that condition generates.

Enforce undergrounding of utilities and allow the dedicated utility easement as useable space for much needed parking. Would that make better sense? Why would the City make a policy asking builders to underground utilities, Coastal Act 4.12, and then waive that requirement without substantial benefit to the community? Staff should recommend denial of waiver and insist on undergrounding of utilities. That would be a win for the PP residents and the neighboring community.

Right-of Way Vacating:

The street vacations of .25 acres and .71 along Plato and Piraeus respectively are too much a land give-away. What is our benefit for this vacated land? Please explain. Where has this been done before in Encinitas? What prevents the parking of vehicles on the city's right-of-way? Where is the anticipated enforcement procedure?

Trees: Why vacate anyway? Have Lennar fulfill their obligation of planting the 30 trees per acre (or other amount required) on the project site. The city should plant their own trees/vegetation on its right-of-way. Why allow Lennar to use the on-site space to maximize buildings and not do as required and plant the 30 trees per acre? Please explain?

20-13
cont'd

20-14

20-15

20-16

20-17

20-18

The applicant would work with the City and its bikeshare vendor to expand the electric bikeshare program to the project site. Operational details would be determined at that time; such details do not require identification or consideration in the EIR at this time pursuant to CEQA.

20-14

Comment Summary:

The commenter asserts that the proposed main entrance/exit along Piraeus Street should be widened to prevent queuing on Piraeus Street and asks that this circulation solution be incorporated into the EIR.

Response:

Refer to Master Response 1. All project circulation improvements would conform with City engineering design requirements to ensure safe ingress/ egress. No further analysis of design alternatives in the EIR is necessary pursuant to CEQA requirements.

20-15

Comment Summary:

The commenter asserts that the EIR should re-evaluate increased traffic generated by the project, indicating that traffic counts were taken during pandemic restrictions. The commenter requests that additional surveys be conducted to determine impacts on Normandy Road, Urania Avenue, Plato Place, Caudor Street, Capri Road, and Gascony Road, including a separate analysis of impacts during peak pick up and drop off times at Capri Elementary School.

Response:

Please refer to Master Response 1.

20-16

Comment Summary:

The commenter asserts that, while the project complies with Encinitas Ordinance 2021-12, an insufficient amount of parking is proposed for the project. The commenter asserts that the project would not provide adequate parking from "day one" and as population of the site increases

The map does not show any space available for bike share racks/kiosks. Where are they to be located on the property? How recharged? How much more land space consumed?

Transportation:

The main entrance/exit to the project should have a much wider 'delta' at Piraeus. Vehicles making left hand turns onto Piraeus southbound can stack up and block vehicles turning right onto Piraeus. A wider entry/exit would prevent this back-up. Please have this added to the draft EIR as a circulation solution.

The EIR should re-address the increased traffic generated from this project. As it was initially surveyed during COVID restrictions, which severely reduced trip counts, now would be a better time to get more realistic numbers. What impact does Piraeus Point have on Normandy and Urania? What impact does Piraeus Point have on Plato, both Caudors, Capri Road, and Gascony? A separate survey should be taken during Capri Elementary peak drop off and pick-up times for each of these streets.

Parking:

Though the project is compliant with current Encinitas Ordinance 2021-12, providing 197-256 spaces, it would be far from compliant if under the former Encinitas Code 30.54.030 for parking, requiring 365 spaces. Our city Planners need to acknowledge the obvious need for more parking spaces on site for this project. The project is woefully lacking adequate parking for its resident's from "day one". As time progresses, couples have children, and children grow to adults who also drive vehicles. There is no parking for future growth on the site. There is hardly sufficient parking for guests on 'day one'. There is no draft EIR information speaking of the quality of life at Piraeus Point with such an insufficient amount of parking. The vehicles must go somewhere, and the draft EIR lacks details where that somewhere is. Please ask for a review of this condition. The Piraeus Point resident's mental health may be at risk, as the risks associate with parking on neighboring streets and the safety issues that condition generates.

Enforce undergrounding of utilities and allow the dedicated utility easement as useable space for much needed parking. Would that make better sense? Why would the City make a policy asking builders to underground utilities, Coastal Act 4.12, and then waive that requirement without substantial benefit to the community? Staff should recommend denial of waiver and insist on undergrounding of utilities. That would be a win for the PP residents and the neighboring community.

Right-of Way Vacating:

The street vacations of .25 acres and .71 along Plato and Piraeus respectively are too much a land give-away. What is our benefit for this vacated land? Please explain. Where has this been done before in Encinitas? What prevents the parking of vehicles on the city's right-of-way? Where is the anticipated enforcement procedure?

Trees: Why vacate anyway? Have Lennar fulfill their obligation of planting the 30 trees per acre (or other amount required) on the project site. The city should plant their own trees/vegetation on its right-of-way. Why allow Lennar to use the on-site space to maximize buildings and not do as required and plant the 30 trees per acre? Please explain?

20-13
cont'd

20-14

20-15

20-16

20-17

20-18

over time. The commenter requests that the EIR address where overflow parking would occur and expresses concern for residents of the project site who will need to park on neighboring streets. The commenter also asserts that the City should deny the requested waiver that would exempt the applicant from undergrounding of utilities and instead allow use of the dedicated utility easement space for additional parking.

Response:

Refer to Master Responses 1 and 4. Surface parking is not a valid use within a utility easement which would be dedicated to and maintained by the service provider.

20-17

Comment Summary:

The commenter asserts that the proposed street vacations along Piraeus Street and Plato Place would "give away" land and questions what the public benefit of such actions is. The commenter also inquires as to what prevents vehicles from parking in the City's right-of-way and what the enforcement procedure is.

Response:

Refer to Master Response 1 regarding parking. The requested street vacations are an allowed provision for the project with City approval; the intent of a street vacation is not to provide public benefit.

20-18

Comment Summary:

The comment requests that the applicant be required to plant 30 trees per acre (or other specified amount) on the project site allowing the City to instead provide landscaping within the right-of-way.

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

Senior-Handicapped Unfriendly:
Federal law requires the site shall have 2% of parking as handicapped/van accessible. The project does not meet this requirement. Please assure they are fully compliant. Where is the van accessible parking space? How would a wheel chair traverse the hilly sidewalks?
Please have the EIR address these special need conditions and conform to the regulations.

20-19

Solar:
Please have the draft EIR actually state the size of solar panels, position on roof top, efficiency and power gathered/produced and what that means as a worthwhile utility. How will they not be in the way of residents gathering on their roof top patios?

20-20

Misinformation during selection process:
The initial information provided to the city during the R-30 site selection process was inaccurate. A bad decision was made based on that bad information. Regarding Cannon 2, it was stated:
"THERE ARE NO CONSTRAINTS TO DEVELOPMENT TO THIS SITE. THIS SITE IS CURRENTLY PARTIALLY GRADED IN THE SOUTHERN PORTION, PROVIDING GENERAL FLAT GRADED AREA. ADDITIONALLY, ANALYSIS OF THE TOPOGRAPHY SHOWED SLOPES OF LESS THAN 25%. BASED ON MUNICIPAL CODE STANDARDS, NO DEDUCTION OF THE SITE CAPACITY FOR STEEP SLOPES IS REQUIRED."

20-21

The draft EIR states a very different condition. There are surely steep slopes of 25% or more that are not to be graded, Scenic View Corridor constraints exist, nesting Gnatcatchers are on the property, it has mitigation areas not to be built upon, and cancer causing air quality issues only mitigated by expensive AC air filters. There is not enough on-site parking. The project is not compatible with the existing community, and generates additional traffic that cannot be mitigated, so the neighborhood must endure even worse traffic conditions with no benefit to be gained. There are safety issues for pedestrians, cyclists, and motor vehicles the city and developer must address and correct.
The grading & construction impacts will negatively impact the neighboring homeowners. How will the construction dust and truck traffic be mitigated to alleviate neighbor's quality of life? Where do the construction worker's park?

20-22

All this negativity to our community, and for what purpose? 15 very low income units? What are our neighborhood's benefits from this intrusive 149 unit project? Little if any.

20-23

Please do not offer any waivers for this project.
Please offer no incentives to this project.
Please consider denial of this project on the site, and offer Cannon 2 as a Biological Conservation site.

20-24

Thank you again Nick.
Regards
Dennis Kaden

20-19

Comment Summary:

The commenter provides parking requirements for accessible spaces per federal standards and asserts that the project does not meet such requirements. The commenter requests that the project comply with federal law pertaining to handicapped/van accessible requirements and that the EIR address such needs.

Response:

Refer to Master Response 1 relative to the provision of parking.

20-20

Comment Summary:

The commenter requests that the EIR state the size, positioning, and efficiency of the proposed solar panels and how the panels would not hinder resident use of rooftop areas.

Response:

The rooftop patios have been designed to accommodate mechanical equipment and/or solar panels while still allowing the project to meet minimum private open space requirements. The project would install solar panels capable of generating up to 149 kilowatts of solar power. Design specifications for incorporating the solar panels would be provided with final improvement plans; such details are not subject to evaluation pursuant to CEQA.

20-21

Comment Summary:

The commenter states discrepancies between information given to the City regarding the site and information included in the EIR, particularly pertaining to steep slopes, Scenic View Corridor constraints, biological constraints, and air quality. The commenter asserts that the project does not provide enough onsite parking, is incompatible with the surrounding community, and would worsen traffic conditions with no public benefits gained. The commenter requests that the applicant and the City to address safety concerns for pedestrians, cyclists, and vehicles.

Senior-Handicapped Unfriendly:

Federal law requires the site shall have 2% of parking as handicapped/van accessible. The project does not meet this requirement. Please assure they are fully compliant. Where is the van accessible parking space? How would a wheel chair traverse the hilly sidewalks? Please have the EIR address these special need conditions and conform to the regulations.

20-19

Solar:

Please have the draft EIR actually state the size of solar panels, position on roof top, efficiency and power gathered/produced and what that means as a worthwhile utility. How will they not be in the way of residents gathering on their roof top patios?

20-20

Misinformation during selection process:

The initial information provided to the city during the R-30 site selection process was inaccurate. A bad decision was made based on that bad information. Regarding Cannon 2, it was stated:

“THERE ARE NO CONSTRAINTS TO DEVELOPMENT TO THIS SITE. THIS SITE IS CURRENTLY PARTIALLY GRADED IN THE SOUTHERN PORTION, PROVIDING GENERAL FLAT GRADED AREA. ADDITIONALLY, ANALYSIS OF THE TOPOGRAPHY SHOWED SLOPES OF LESS THAN 25%. BASED ON MUNICIPAL CODE STANDARDS, NO DEDUCTION OF THE SITE CAPACITY FOR STEEP SLOPES IS REQUIRED.”

20-21

The draft EIR states a very different condition. There are surely steep slopes of 25% or more that are not to be graded, Scenic View Corridor constraints exist, nesting Gnatcatchers are on the property, it has mitigation areas not to be built upon, and cancer causing air quality issues only mitigated by expensive AC air filters. There is not enough on-site parking. The project is not compatible with the existing community, and generates additional traffic that cannot be mitigated, so the neighborhood must endure even worse traffic conditions with no benefit to be gained. There are safety issues for pedestrians, cyclists, and motor vehicles the city and developer must address and correct.

The grading & construction impacts will negatively impact the neighboring homeowners. How will the construction dust and truck traffic be mitigated to alleviate neighbor's quality of life? Where do the construction worker's park?

20-22

All this negativity to our community, and for what purpose? 15 very low income units? What are our neighborhood's benefits from this intrusive 149 unit project? Little if any.

20-23

Please do not offer any waivers for this project.

Please offer no incentives to this project.

Please consider denial of this project on the site, and offer Cannon 2 as a Biological Conservation site.

20-24

Thank you again Nick.

Regards

Dennis Kaden

Response:

Please refer to Master Responses 1 and 4.

20-22

Comment Summary:

The commenter asserts that grading and construction would negatively impact the neighboring homeowners and inquires how dust and traffic generated during project construction would be mitigated and where construction workers would park.

Response:

As described in EIR Section 3.2, Air Quality, of the EIR, project construction would be required to conform to San Diego Air Pollution Control District adopted Rule 55, Fugitive Dust Control which provides measure to control effects of dust emissions on neighboring properties and minimize dust from vehicles on local roadways.

As described in EIR Section 3.12, Transportation, 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. It is anticipated that all vehicles and construction equipment would be staged onsite, off of adjacent public roadways.

20-23

Comment Summary:

The commenter asserts that the project does not provide public benefits to outweigh its negative impacts on the community.

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

Senior-Handicapped Unfriendly:
Federal law requires the site shall have 2% of parking as handicapped/van accessible. The project does not meet this requirement. Please assure they are fully compliant. Where is the van accessible parking space? How would a wheel chair traverse the hilly sidewalks?
Please have the EIR address these special need conditions and conform to the regulations.

20-19

Solar:
Please have the draft EIR actually state the size of solar panels, position on roof top, efficiency and power gathered/produced and what that means as a worthwhile utility. How will they not be in the way of residents gathering on their roof top patios?

20-20

Misinformation during selection process:
The initial information provided to the city during the R-30 site selection process was inaccurate. A bad decision was made based on that bad information. Regarding Cannon 2, it was stated:
"THERE ARE NO CONSTRAINTS TO DEVELOPMENT TO THIS SITE. THIS SITE IS CURRENTLY PARTIALLY GRADED IN THE SOUTHERN PORTION, PROVIDING GENERAL FLAT GRADED AREA. ADDITIONALLY, ANALYSIS OF THE TOPOGRAPHY SHOWED SLOPES OF LESS THAN 25%. BASED ON MUNICIPAL CODE STANDARDS, NO DEDUCTION OF THE SITE CAPACITY FOR STEEP SLOPES IS REQUIRED."

20-21

The draft EIR states a very different condition. There are surely steep slopes of 25% or more that are not to be graded, Scenic View Corridor constraints exist, nesting Gnatcatchers are on the property, it has mitigation areas not to be built upon, and cancer causing air quality issues only mitigated by expensive AC air filters. There is not enough on-site parking. The project is not compatible with the existing community, and generates additional traffic that cannot be mitigated, so the neighborhood must endure even worse traffic conditions with no benefit to be gained. There are safety issues for pedestrians, cyclists, and motor vehicles the city and developer must address and correct.

The grading & construction impacts will negatively impact the neighboring homeowners. How will the construction dust and truck traffic be mitigated to alleviate neighbor's quality of life? Where do the construction worker's park?

20-22

All this negativity to our community, and for what purpose? 15 very low income units? What are our neighborhood's benefits from this intrusive 149 unit project? Little if any.

20-23

Please do not offer any waivers for this project.
Please offer no incentives to this project.
Please consider denial of this project on the site, and offer Cannon 2 as a Biological Conservation site.

20-24

Thank you again Nick.
Regards
Dennis Kaden

20-24

Comment Summary:

The commenter asks that the proposed waivers, incentives, and project as a whole be denied. The commenter asks that the City consider preserving the project site as a biological conservation site.

Response:

Refer to Master Response 4. This comment is in conclusion and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

From: Karen Kaden <kkaden1611@gmail.com>
Sent: Monday, February 6, 2023 4:52 PM
To: Nick Koutoufidis
Subject: PIRAEUS POINT Project

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Case #Multi-005158-22.....
 Attn: Nick Koutoufidis, Encinitas City Planner for Development Service Department

Thank you Nick for the Drafted EIR for the opportunity to discuss the issues of concerns.

A. Housing Element Selection Process approving the CANNON 2 parcel. (Note there was no A or B parcels in the Cannon 2 selection). 6.92 Acres listed only. Also 2.9 acres were preserved for Wildlife and plants from the 6.92 acres. Important roll of discussion is identifying the right parcel sites to meet the criteria. 1. City recorded that Cannon 2 topography is less than 25% and buildable. We learned no further city investigation or inspection of any studies were adequately done during the process. Why was the assessment decided to be reviewed by bird's eye view maps only? Was there "Boots on the ground?" Obviously not, because there are environmental inland bluff concerns on this sensitive land. Why was this land-use designated RR2? It's also in a geographic area where plants, animals and other organisms, as well as valuable landscapes all work together to form an ecosystem.

2. The EIR shared Lennar is requesting to CUT 40% into a 37% STEEP SLOPE!

City plan is: PARCELS with 25% steep slopes shall build only 50% on the site. Must DENY the applicant to Cut into such a steep slope. Who decided that - the City's quoted statement, "THERE ARE NO CONSTRAINTS TO DEVELOPMENT TO THIS SITE." "THIS SITE IS CURRENTLY PARTIALLY GRADED IN THE SOUTHERN PORTION, PROVIDING GENERAL FLAT GRADED AREA. ADDITIONALLY, ANALYSIS OF THE TOPOGRAPHY SHOWED SLOPES OF LESS THAN 25%. BASED ON MUNICIPAL CODE STANDARDS, NO DEDUCTION OF THE SITE CAPACITY FOR STEEP SLOPES IS REQUIRED." The drafted EIR indicates that there are STEEP SLOPES! Why was this not known? Lennar is going to MUTILATE the natural steep slopes and need to stress the City's protection our inland bluff slopes. Please respectfully do not allow this project to get an incentive or waiver on the enormous extensive monumental sizable CUT into the steep slope.

B. Grading will be excessive for this site and definitely for the existing 100 plus homes and the surrounding neighborhood. Why have the rules change for the applicant to excavate and remove 60,000 cubic yards - equals 65,000 tons of dry dirt, which calculates approximately 130,000,000 lbs or more causing 6200 trips over 11 months. How will you mitigate the AIR QUALITY that will affect our HEALTH and WILD ANIMAL LIFE? Should there be concerns for PUBLIC SAFETY & HEALTH.

C. Please DENY - applicants request to waive the existing Utilities poles underground.
 Underground the utilities poles can be a gift to the homes east of the project. Thank you.

D. What is the intent to VACATE THE CITY'S RIGHT-OF-WAY or DEDICATE or GIFTED PUBLIC LAND to Lennar? Should the ROW only vacate for egress and ingress as an easement.

E. Why is Lennar not planning to landscape 30 trees per acre on their Site? Should not use the City's ROW for planting their obligation and be gifted to build units in the place of trees.

F. What are the setbacks for massive, three story units in the 1-5 SCENIC HIGHWAY CORRIDOR? Buildings shall be pushed back on the site to blend with the topography and the existing community. Very low lighting and buildings should use the colors of the surrounding features of the land. PIRAEUS POINT is officially designated on the map as a natural landscape inland bluffs in the established scenic public views. Over 180,000 public views daily to enjoy the southbound and northbound views of Piraeus landscapes to the Batiqitos Lagoon and the awesome Santa Margarita Mountains in Orange Cnty. EVERY EFFORT SHALL BE MADE TO ENSURE THAT EXISTING DESIRABLE CHARACTER OF THE COMMUNITIES IS MAINTAINED.

21-1

21-2

21-3

21-4

21-5

21-6

21-7

21 Karen Kaden

21-1

Comment Summary:

The commenter takes issue with the Housing Element selection process that approved the project site and asserts that a portion of the project site was designated for wildlife and plant preservation. The commenter also feels that investigation of the site was not adequate, as the City showed that the topography of the site is less 25% and does not acknowledge the sensitivity of the project site. The commenter indicates that the assessment was completed via aerial maps, not via a ground survey. The commenter also questions why the property is zoned RR-2.

Response:

The project site is identified as the "Cannon Property (Piraeus) - Site Number 02" in the City's Housing Element. The area proposed for development totals approximately 6.88 gross acres; the offsite portion proposed as a preserve area totals approximately 4.95 gross acres.

The proposed off-site preserve is zoned RR1 (1 dwelling unit per acre maximum) and RR2 (2 dwelling unit per acre maximum). The project site is zoned RR2 with a R-30 overlay zone as part of the City's Housing Element. No changes to the existing land use or zoning are required or proposed to allow for project implementation. As zoned, the City identifies the subject parcels as being anticipated for residential use.

It is unclear by what the commenter is referring to relative to a City investigation of the site that showed that the "topography of the site is less than 25% and buildable" and that an aerial survey was completed rather than a foot survey. The site has been adequately mapped by the project applicant, based upon available data and is considered to be accurate in representing onsite slopes. A steep slopes map has also been prepared to illustrate where onsite slopes exceed 25 percent in No further response to this comment is required.

Preface and Responses to Comments

From: Karen Kaden <kkaden1611@gmail.com>
Sent: Monday, February 6, 2023 4:52 PM
To: Nick Koutoufidis
Subject: PIRAEUS POINT Project

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Case #Multi-005158-22.....
Attn: Nick Koutoufidis, Encinitas City Planner for Development Service Department

Thank you Nick for the Drafted EIR for the opportunity to discuss the issues of concerns.
A. Housing Element Selection Process approving the CANNON 2 parcel. (Note there was no A or B parcels in the Cannon 2 selection). 6.92 Acres listed only. Also 2.9 acres were preserved for Wildlife and plants from the 6.92 acres. Important roll of discussion is identifying the right parcel sites to meet the criteria. 1. City recorded that Cannon 2 topography is less than 25% and buildable. We learned no further city investigation or inspection of any studies were adequately done during the process. Why was the assessment decided to be reviewed by bird's eye view maps only? Was there "Boots on the ground?" Obviously not, because there are environmental inland bluff concerns on this sensitive land. Why was this land-use designated RR2? It's also in a geographic area where plants, animals and other organisms, as well as valuable landscapes all work together to form an ecosystem.
2. The EIR shared Lennar is requesting to CUT 40% into a 37% STEEP SLOPE!
City plan is: PARCELS with 25% steep slopes shall build only 50% on the site. Must DENY the applicant to Cut into such a steep slope. Who decided that - the City's quoted statement, "THERE ARE NO CONSTRAINTS TO DEVELOPMENT TO THIS SITE." "THIS SITE IS CURRENTLY PARTIALLY GRADED IN THE SOUTHERN PORTION, PROVIDING GENERAL FLAT GRADED AREA. ADDITIONALLY, ANALYSIS OF THE TOPOGRAPHY SHOWED SLOPES OF LESS THAN 25%. BASED ON MUNICIPAL CODE STANDARDS, NO DEDUCTION OF THE SITE CAPACITY FOR STEEP SLOPES IS REQUIRED." The drafted EIR indicates that there are STEEP SLOPES! Why was this not known? Lennar is going to MUTILATE the natural steep slopes and need to stress the City's protection our inland bluff slopes. Please respectfully do not allow this project to get an incentive or waiver on the enormous extensive monumental sizable CUT into the steep slope.
B. Grading will be excessive for this site and definitely for the existing 100 plus homes and the surrounding neighborhood. Why have the rules change for the applicant to excavate and remove 60,000 cubic yards - equals 65,000 tons of dry dirt, which calculates approximately 130,000,000 lbs or more causing 6200 trips over 11 months. How will you mitigate the AIR QUALITY that will affect our HEALTH and WILD ANIMAL LIFE? Should there be concerns for PUBLIC SAFETY & HEALTH.
C. Please DENY - applicants request to waive the existing Utilities poles underground.
Underground the utilities poles can be a gift to the homes east of the project. Thank you.
D. What is the intent to VACATE THE CITY'S RIGHT-of-WAY or DEDICATE or GIFTED PUBLIC LAND to Lennar? Should the ROW only vacate for egress and ingress as an easement.
E. Why is Lennar not planning to landscape 30 trees per acre on their Site? Should not use the City's ROW for planting their obligation and be gifted to build units in the place of trees.
F. What are the setbacks for massive, three story units in the 1-5 SCENIC HIGHWAY CORRIDOR? Buildings shall be pushed back on the site to blend with the topography and the existing community. Very low lighting and buildings should use the colors of the surrounding features of the land. PIRAEUS POINT is officially designated on the map as a natural landscape inland bluffs in the established scenic public views. Over 180,000 public views daily to enjoy the southbound and northbound views of Piraeus landscapes to the Batiqitos Lagoon and the awesome Santa Margarita Mountains in Orange Cnty. EVERY EFFORT SHALL BE MADE TO ENSURE THAT EXISTING DESIRABLE CHARACTER OF THE COMMUNITIES IS MAINTAINED.

21-1

21-2

21-3

21-4

21-5

21-6

21-7

21-2

Comment Summary:

The commenter asks the City deny the applicant's request to cut 40 percent into steep slopes. The commenter includes a quote from the City, which indicates that that there are no constraints associated with the development of the site and that steep slopes do not exist on the site, and how this contradicts information provided in the EIR.

Response:

The waiver is being requested by the project applicant as the project exceeds the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project requires an approximately 40% encroachment into steep slope areas, and without this waiver, the project footprint would be substantially reduced, impacting the project's ability to provide for deed-restricted affordable housing on-site.

The commenter refers to a "City quoted statement" pertaining to onsite topography and grading of steep slopes. It is unclear where this quote is sourced from. The site clearly supports areas of steep slope, and the preliminary grading plan has been subject to the City's discretionary review process. The project is evaluated in the EIR where relevant (e.g., EIR Section 3.1, Aesthetics) for the potential to result in a significant impact. Refer also to Master Response 4.

21-3

Comment Summary:

The commenter feels that grading for the proposed project would be excessive and expresses concerns regarding air quality, human/public health, safety, and wildlife associated with the proposed excavation and removal of dry dirt.

Response:

Potential effects of project grading as proposed have been analyzed in the EIR relative to effect on air quality, public health, and noise, as well as for trips generated during construction. Refer to Master Response 4 and Response 4A-6.

From: Karen Kaden <kkaden1611@gmail.com>
Sent: Monday, February 6, 2023 4:52 PM
To: Nick Koutoufidis
Subject: PIRAEUS POINT Project

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Case #Multi-005158-22.....
 Attn: Nick Koutoufidis, Encinitas City Planner for Development Service Department

Thank you Nick for the Drafted EIR for the opportunity to discuss the issues of concerns.
 A. Housing Element Selection Process approving the CANNON 2 parcel. (Note there was no A or B parcels in the Cannon 2 selection). 6.92 Acres listed only. Also 2.9 acres were preserved for Wildlife and plants from the 6.92 acres. Important roll of discussion is identifying the right parcel sites to meet the criteria. 1. City recorded that Cannon 2 topography is less than 25% and buildable. We learned no further city investigation or inspection of any studies were adequately done during the process. Why was the assessment decided to be reviewed by bird's eye view maps only? Was there "Boots on the ground?" Obviously not, because there are environmental inland bluff concerns on this sensitive land. Why was this land-use designated RR2? It's also in a geographic area where plants, animals and other organisms, as well as valuable landscapes all work together to form an ecosystem.

21-1

2. The EIR shared Lennar is requesting to CUT 40% into a 37% STEEP SLOPE!
 City plan is: PARCELS with 25% steep slopes shall build only 50% on the site. Must DENY the applicant to Cut into such a steep slope. Who decided that - the City's quoted statement, "THERE ARE NO CONSTRAINTS TO DEVELOPMENT TO THIS SITE." "THIS SITE IS CURRENTLY PARTIALLY GRADED IN THE SOUTHERN PORTION, PROVIDING GENERAL FLAT GRADED AREA. ADDITIONALLY, ANALYSIS OF THE TOPOGRAPHY SHOWED SLOPES OF LESS THAN 25%. BASED ON MUNICIPAL CODE STANDARDS, NO DEDUCTION OF THE SITE CAPACITY FOR STEEP SLOPES IS REQUIRED." The drafted EIR indicates that there are STEEP SLOPES! Why was this not known? Lennar is going to MUTILATE the natural steep slopes and need to stress the City's protection our inland bluff slopes. Please respectfully do not allow this project to get an incentive or waiver on the enormous extensive monumental sizable CUT into the steep slope.

21-2

B. Grading will be excessive for this site and definitely for the existing 100 plus homes and the surrounding neighborhood. Why have the rules change for the applicant to excavate and remove 60,000 cubic yards - equals 65,000 tons of dry dirt, which calculates approximately 130,000,000 lbs or more causing 6200 trips over 11 months. How will you mitigate the AIR QUALITY that will affect our HEALTH and WILD ANIMAL LIFE? Should there be concerns for PUBLIC SAFETY & HEALTH.

21-3

C. Please DENY - applicants request to waive the existing Utilities poles underground.

21-4

Underground the utilities poles can be a gift to the homes east of the project. Thank you.

D. What is the intent to VACATE THE CITY'S RIGHT-OF-WAY or DEDICATE or GIFTED PUBLIC LAND to Lennar? Should the ROW only vacate for egress and ingress as an easement.

21-5

E. Why is Lennar not planning to landscape 30 trees per acre on their Site? Should not use the City's ROW for planting their obligation and be gifted to build units in the place of trees.

21-6

F. What are the setbacks for massive, three story units in the 1-5 SCENIC HIGHWAY CORRIDOR? Buildings shall be pushed back on the site to blend with the topography and the existing community. Very low lighting and buildings should use the colors of the surrounding features of the land. PIRAEUS POINT is officially designated on the map as a natural landscape inland bluffs in the established scenic public views. Over 180,000 public views daily to enjoy the southbound and northbound views of Piraeus landscapes to the Batiqitos Lagoon and the awesome Santa Margarita Mountains in Orange Cnty. EVERY EFFORT SHALL BE MADE TO ENSURE THAT EXISTING DESIRABLE CHARACTER OF THE COMMUNITIES IS MAINTAINED.

21-7

21-4

Comment Summary:

The commenter asks that the City not approve the proposed waiver to exempt the requirement to underground utilities.

Response:

Refer to Master Response 4.

21-5

Comment Summary:

The commenter requests information regarding the intention of the proposed right of way vacation and asks if the right of way should be vacated "for egress and ingress as an easement."

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. With City approval, an approximately 0.25 acre area of Plato Place and 0.71 acres along Piraeus Street, adjacent to the project boundary, would be vacated. With approval of the vacation, approximately 0.96 acres would be added to the total (gross) acreage of the project site. The applicant is not proposing to vacate the right-of-way "for egress and ingress as an easement," nor is the street vacation intended to provide public benefit.

21-6

Comment Summary:

The commenter asks why the applicant is not planting 30 trees per acre on the project site and feels that the applicant "Should not use the City's right-of-way for planting their obligation and be gifted to build units in place of trees."

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

From: Karen Kaden <kkaden1611@gmail.com>
Sent: Monday, February 6, 2023 4:52 PM
To: Nick Koutoufidis
Subject: PIRAEUS POINT Project

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Case #Multi-005158-22.....
Attn: Nick Koutoufidis, Encinitas City Planner for Development Service Department

Thank you Nick for the Drafted EIR for the opportunity to discuss the issues of concerns.

A. Housing Element Selection Process approving the CANNON 2 parcel. (Note there was no A or B parcels in the Cannon 2 selection). 6.92 Acres listed only. Also 2.9 acres were preserved for Wildlife and plants from the 6.92 acres. Important roll of discussion is identifying the right parcel sites to meet the criteria. 1. City recorded that Cannon 2 topography is less than 25% and buildable. We learned no further city investigation or inspection of any studies were adequately done during the process. Why was the assessment decided to be reviewed by bird's eye view maps only? Was there "Boots on the ground?" Obviously not, because there are environmental inland bluff concerns on this sensitive land. Why was this land-use designated RR2? It's also in a geographic area where plants, animals and other organisms, as well as valuable landscapes all work together to form an ecosystem.

2. The EIR shared Lennar is requesting to CUT 40% into a 37% STEEP SLOPE!

City plan is: PARCELS with 25% steep slopes shall build only 50% on the site. Must DENY the applicant to Cut into such a steep slope. Who decided that - the City's quoted statement, "THERE ARE NO CONSTRAINTS TO DEVELOPMENT TO THIS SITE." "THIS SITE IS CURRENTLY PARTIALLY GRADED IN THE SOUTHERN PORTION, PROVIDING GENERAL FLAT GRADED AREA. ADDITIONALLY, ANALYSIS OF THE TOPOGRAPHY SHOWED SLOPES OF LESS THAN 25%. BASED ON MUNICIPAL CODE STANDARDS, NO DEDUCTION OF THE SITE CAPACITY FOR STEEP SLOPES IS REQUIRED." The drafted EIR indicates that there are STEEP SLOPES! Why was this not known? Lennar is going to MUTILATE the natural steep slopes and need to stress the City's protection our inland bluff slopes. Please respectfully do not allow this project to get an incentive or waiver on the enormous extensive monumental sizable CUT into the steep slope.

B. Grading will be excessive for this site and definitely for the existing 100 plus homes and the surrounding neighborhood. Why have the rules change for the applicant to excavate and remove 60,000 cubic yards - equals 65,000 tons of dry dirt, which calculates approximately 130,000,000 lbs or more causing 6200 trips over 11 months. How will you mitigate the AIR QUALITY that will affect our HEALTH and WILD ANIMAL LIFE? Should there be concerns for PUBLIC SAFETY & HEALTH.

C. Please DENY - applicants request to waive the existing Utilities poles underground.
Underground the utilities poles can be a gift to the homes east of the project. Thank you.

D. What is the intent to VACATE THE CITY'S RIGHT-of-WAY or DEDICATE or GIFTED PUBLIC LAND to Lennar? Should the ROW only vacate for egress and ingress as an easement.

E. Why is Lennar not planning to landscape 30 trees per acre on their Site? Should not use the City's ROW for planting their obligation and be gifted to build units in the place of trees.

F. What are the setbacks for massive, three story units in the 1-5 SCENIC HIGHWAY CORRIDOR? Buildings shall be pushed back on the site to blend with the topography and the existing community. Very low lighting and buildings should use the colors of the surrounding features of the land. PIRAEUS POINT is officially designated on the map as a natural landscape inland bluffs in the established scenic public views. Over 180,000 public views daily to enjoy the southbound and northbound views of Piraeus landscapes to the Batiqitos Lagoon and the awesome Santa Margarita Mountains in Orange Cnty. EVERY EFFORT SHALL BE MADE TO ENSURE THAT EXISTING DESIRABLE CHARACTER OF THE COMMUNITIES IS MAINTAINED.

21-1
21-2
21-3
21-4
21-5
21-6
21-7

21-7

Comment Summary:

The commenter requests information regarding building setbacks for the proposed residences. The commenter notes that the project site is located within the I-5 Scenic Highway Corridor and indicates that as such, efforts should be made to ensure that the project is compatible with the existing community and landscape, including lighting and building colors. The commenter also notes that the site is designated "as a natural landscape inland bluffs in the established scenic views" and asserts that existing community character be maintained.

Response:

The project meets all of the required setbacks of the R-30 overlay zone. Please refer to Master Response 4 pertaining to scenic resources and visual quality. The project has been designed in accordance with applicable zoning and development regulations, such as the provision of building setbacks from the property lines. The proposed development is distanced from I-5 by the existing right-of-way, as well as Piraeus Street, in addition to the proposed landscaped common areas along the Piraeus Street frontage. Proposed landscaping would also continue to visually blend the development into the site and surrounding topography as it matures over time.

As indicated in EIR Section 3.1, Aesthetics, all project lighting would be consistent with the City's lighting standards, which require low-level lighting that would not exceed 0.5 foot-candle levels at the property line; light poles at a maximum height of 18 feet in height; and low-level lighting directed downward via 90-degree cutoffs to reduce light overspill onto adjacent properties and to otherwise reduce potential effects on the City's dark skies; refer also to EIR Appendix B, Lighting Plan.

G. SUSTAINABILITY of this project should have children’s playground, vegetable gardens, dog park and lots of open space for community games.
H. PARKING ONLY IN THIS PROJECT and shall not impact the existing neighborhood.

PIRAEUS POINT (CANNON2 Site). SHOULD NOT BE BUILDABLE ON THIS SITE FOR MANY GREAT REASONS. This site was unfairly chosen in bad taste. The Applicant Lennar is requesting additional incentives and waivers to modify and to alter the land for 149 units - 15 low income to fit on sensitive property.

Thank you & sincerely,
KAREN KADEN 7608059228
161 Caudor st.

21-8
21-9
21-10

21-8

Comment Summary:

The commenter states that the project should provide additional amenities, such as a playground, dog park, green space, and/or a vegetable gardens.

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

21-9

Comment Summary:

The commenter expresses concerns regarding onsite parking and potential effects on the surrounding community.

Response:

Please refer to Master Response 1.

21-10

Comment Summary:

The commenter asserts that the project site should not be developed as it was not selected properly, and that the requested incentives and waivers are being used to alter the site, which is a “sensitive property.”

Response:

The comment is in summary and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

February 6, 2023
Nick Koutoufidis
Development Services Department
City of Encinitas
505 S. Vulcan Avenue
Encinitas, CA 92024

Re: Piraeus Point Comments on EIR
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022;
and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Air Quality

The findings are more focused on the constructions phase, rather the risks connected to daily living at Piraeus Point. According to Appendix C1, the measures of air quality were taken from monitoring stations from Camp Pendleton and Carmel Mountain Ranch. No tests were taken at the Piraeus Point site, which is less than 500 feet away from the I-5 corridor that is in a small valley. Examination of the pollutant levels should have been taken in this unique site.

22-1

Health Risk Screening

Appendix C2 indicates a significant cancer risk from Diesel Particulate Matter at the project site. The report indicates that the risk can be mitigated if residents are not outdoors for extended periods of time, all windows are closed, and all units will have MERV-16 Filters as part of the HVAC system. Are these solutions realistic in a community that has a culture of being outdoors, and the desire to open windows for air circulation? How will the developer provide information to potential residents about the health risks? Who is responsible to closely monitor and maintain the safety systems?

22-2

Byron King
1517 Gascony Road
Encinitas, CA
byronking4@aol.com

CC: Allison Blackwell

22 Byron King

22-1

Comment Summary:

The commenter feels that the findings of air quality assessments address construction impacts more than impacts associated with “daily living” during operation of the project. The commenter notes that air quality measurements were taken from Camp Pendleton and Carmel Mountain Ranch stations and feels that measurements should be taken from the project site itself.

Response:

The measurements referenced were taking from the Camp Pendleton and Carmel Mountain Ranch monitoring stations as such stations are the closest monitoring stations to the project site. This approach represents standard protocol in evaluating potential air quality effects of a project (see also EIR Appendix C-1 for additional explanation). EIR Section 3.2, Air Quality, provides an evaluation of the project’s potential air quality impacts for the construction and the operational phases. A Health Risk Assessment (EIR Appendix C-2) was also performed to evaluate potential health risks to residents due to proximity to I-5 (e.g., “daily living” at the project site) and mitigation identified to reduce potential air quality impacts to a level of less than significant. No further response to the comments provided is required.

22-2

Comment Summary:

The commenter notes the cancer risk for project residents because of exposure to diesel particulate matter. The commenter indicates that Appendix C-2 of the EIR explains that the cancer risk could be mitigated if residents are not outdoors for long amounts of time, close their windows, and install MERV-16 filters. The commenter questions the feasibility of these measures, how the applicant will inform residents about risks, and how safety systems will be monitored and maintained.

February 6, 2023
Nick Koutoufidis
Development Services Department
City of Encinitas
505 S. Vulcan Avenue
Encinitas, CA 92024

Re: Piraeus Point Comments on EIR
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022;
and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Air Quality

The findings are more focused on the constructions phase, rather the risks connected to daily living at Piraeus Point. According to Appendix C1, the measures of air quality were taken from monitoring stations from Camp Pendleton and Carmel Mountain Ranch. No tests were taken at the Piraeus Point site, which is less than 500 feet away from the I-5 corridor that is in a small valley. Examination of the pollutant levels should have been taken in this unique site.

22-1

Health Risk Screening

Appendix C2 indicates a significant cancer risk from Diesel Particulate Matter at the project site. The report indicates that the risk can be mitigated if residents are not outdoors for extended periods of time, all windows are closed, and all units will have MERV-16 Filters as part of the HVAC system. Are these solutions realistic in a community that has a culture of being outdoors, and the desire to open windows for air circulation? How will the developer provide information to potential residents about the health risks? Who is responsible to closely monitor and maintain the safety systems?

22-2

Byron King
1517 Gascony Road
Encinitas, CA
byronking4@aol.com

CC: Allison Blackwell

Response:

Appendix C-2 of the EIR (Health Risk Assessment) only proposes installation of MERV-16 as mitigation and does not recommend that residents stay indoors or close their windows. Installation of MERV-16 filters were determined to be appropriate mitigation to ensure that cancer risks for occupants of the proposed residential units remain below significance thresholds. It is anticipated that a disclosure statement would be provided to perspective buyers, prior to home purchase, to inform them of the identified risk and that occupants would be responsible for monitoring and maintaining any filters installed in the individual units over the long term.

Preface and Responses to Comments

From: mariannek868@aol.com
Sent: Tuesday, February 7, 2023 1:50 PM
To: Nick Koutoufidis
Subject: Fw: Hi, I am responding to the proposed development called Piraeus Point of 149 units. My comments have to do with safety, affordability, pollution, and parking. Safety: Safety can also apply to pollution and parking. The children would have to be...

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Hello Nick, I am sending my message again per your request. Hope it goes through this time. MA King 23-1

----- Forwarded Message -----
From: mariannek868@aol.com <mariannek868@aol.com>
To: nkoutoufidis@encinitasca.gov <nkoutoufidis@encinitasca.gov>
Sent: Monday, February 6, 2023 at 03:42:12 PM PST
Subject: Hi, I am responding to the proposed development called Piraeus Point of 149 units. My comments have to do with safety, affordability, pollution, and parking. Safety: Safety can also apply to pollution and parking. The children would have to be monitored by parents if Piraeus remains the street that it is now. This street is a frontage road to the I-5 freeway. Cars ride on it up to 40 miles an hour, I believe. The children would be driven to school? Not a safe road to walk on. And would cars park on this street? Many think so as parking is not adequate within the development. Parents will be worried about their childrens' safety. Pollution from the freeway alone is troubling. Diesel engines of trucks give off most foul elements. Air filtering in homes will not solve this problem alone (must everyone keep windows shut?) Air conditioning is unhealthy, too. Would you choose a home next to a freeway? Lastly, (aside from the fact that the 149 units are too much for the area), these homes, even the "affordable" ones are not affordable. I could say more, but I will limit further response. Thank you, Marianne King 1517 Gascony Road, Encintas, 92024 23-2 23-3 23-4

23 Marianne King

23-1

Comment Summary:

The commenter indicates that she is resubmitting her comments to the City.

Response:

Comments were received in the commenter’s resubmittal and are addressed below.

23-2

Comment Summary:

The commenter indicates that they have concerns regarding safety, affordability, pollution, and parking. The commenter expresses concerns regarding children safety, as Piraeus Street is dangerous for pedestrians, and feels that parents would be concerned. The commenter also questions if residents of the project site would park on the street due to the insufficient amount of proposed onsite parking.

Response:

Please refer to Master Response 1.

23-3

Comment Summary:

The commenter expresses concerns regarding pollution originating from diesel trucks on the freeway and feels that air filtration within residences would not solve this issue.

Response:

As indicated in Section 3.2, Air Quality, of the EIR, an Air Quality Heath Risk Assessment (HRA) was prepared to evaluate potential health risks to project residents due to diesel particulate matter (DPM) originating from proximity to I-5; refer to EIR Appendix C-2. Based on calculations included in the HRA, cancer risks for project residents resulting from exposure to suspended diesel particulates would exceed the established San Diego

From: mariannek868@aol.com
Sent: Tuesday, February 7, 2023 1:50 PM
To: Nick Koutoufidis
Subject: Fw: Hi, I am responding to the proposed development called Piraeus Point of 149 units. My comments have to do with safety, affordability, pollution, and parking. Safety: Safety can also apply to pollution and parking. The children would have to be...

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Hello Nick, I am sending my message again per your request. Hope it goes through this time. MA King 23-1

----- Forwarded Message -----

From: mariannek868@aol.com <mariannek868@aol.com>
To: nkoutoufidis@encinitasca.gov <nkoutoufidis@encinitasca.gov>
Sent: Monday, February 6, 2023 at 03:42:12 PM PST
Subject: Hi, I am responding to the proposed development called Piraeus Point of 149 units. My comments have to do with safety, affordability, pollution, and parking. Safety: Safety can also apply to pollution and parking. The children would have to be monitored by parents if Piraeus remains the street that it is now. This street is a frontage road to the I-5 freeway. Cars ride on it up to 40 miles an hour, I believe. The children would be driven to school? Not a safe road to walk on. And would cars park on this street? Many think so as parking is not adequate within the development. Parents will be worried about their childrens' safety. Pollution from the freeway alone is troubling. Diesel engines of trucks give off most foul elements. Air filtering in homes will not solve this problem alone (must everyone keep windows shut?) Air conditioning is unhealthy, too. Would you choose a home next to a freeway? Lastly, (aside from the fact that the 149 units are too much for the area), these homes, even the "affordable" ones are not affordable. I could say more, but I will limit further response. Thank you, Marianne King 1517 Gascony Road, Encintas, 92024 23-2
23-3
23-4

Air Pollution Control District (SDAPCD) excess cancer risk significance threshold of 10 per one million exposed and could be considered a significant impact (Ldn Consulting, Inc. 2022). Refer also to Table 2: Cancer Risk at Worst-Case Outdoor Receptors (Unmitigated) of EIR Appendix C-2. Mitigation was identified in the EIR to reduce such impacts to future project residents to a level of less than significant.

23-4

Comment Summary:

The commenter feels that the affordable units proposed as part of the project are not truly affordable.

Response:

CEQA requires an analysis of physical impacts to the environment; it does not require analysis of project costs nor economic impacts. Under CEQA, “[a]n economic or social change by itself shall not be considered a significant effect on the environment” (CEQA Guidelines, Sections 15131 and 15382). Effects analyzed under CEQA must be related to a physical change (CEQA Guidelines, Section 15358(b)). No further response is required.

Preface and Responses to Comments

From: Lisa Lasch <ldlasch60@gmail.com>
Sent: Monday, February 6, 2023 4:47 PM
To: Nick Koutoufidis
Subject: Attn: Nick Koutoufidis Re case# Piraeus Point multi- 005158-2022, ...

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

I am writing on behalf of myself and my family, to express our opposition to the proposed Piraeus Point development. 24-1

Environmental Impact - this proposed development intends to destroy virtually all native vegetation and wildlife. This site is in the Scenic Visual Corridor which has constraints on removing sensitive habitat. Why is it being allowed to grade and destroy native vegetation and wildlife? 24-2

Traffic - Traffic in Encinitas is already awful and this development will just make it worse. In this neighborhood alone traffic from Capri School pick-up and drop-off makes it hazardous to walk or bike. The larger picture is even worse. Leucadia Blvd is a nightmare to travel in the afternoon and early evening, and is going to be negatively impacted by this development, as well as by the Fox Point, and Clark developments. That being said, a bigger concern is the possible need to evacuate in case of an emergency or natural disaster. It would be next to impossible to quickly leave the neighborhood and surrounding area. We are still in a high risk, fire prone area, and if there were a wildfire in the nearby canyons, many people in this area would not be able to evacuate due to the increased number of cars. It's already bad enough. The EIR needs to address the development's traffic impact on Caudor, Capri, Urania, and Normandy. 24-3

Parking - where will the residents park? The developer has not provided sufficient parking for the planned development. Piraeus isn't designed for on-street parking, nor is Plato. Additionally, cyclists of all ages use Piraeus to get to the skate park. The increased amount of cars will create an even more dangerous environment for those cyclists, many of which are young teenagers. 24-4

Utilities - There should not be a waiver given for underground utilities, for any reason. 24-5

This project has so many negatives and points against it, it should not be considered for high density development. It does not fit in this existing neighborhood and we oppose it! 24-6

Sincerely,

Lisa Lasch
Donald Lasch
Kelsey Lasch

24 Lisa, Donald, and Kelsey Lasch

24-1

Comment Summary:

The commenters indicates opposition to the proposed project.

Response:

This comment is introductory and does not raise any environmental concerns pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. No further response is required.

24-2

Comment Summary:

The commenters note that the project site is subject to constraints of the Scenic Visual Corridor and ask why the proposed project is permitted to grade and destroy native vegetation and wildlife.

Response:

Refer to Master Response 4. According to the City's General Plan Housing Element Update, the subject site could be developed with up to 206 base residential units (without application of a Density Bonus). Therefore, the project would be consistent with future development as anticipated in the Housing Element Update for the site. The project also proposes to limit development to the southern parcel (project area) and allow the northern parcel to serve as an offsite preserve area for the protection sensitive biological resources. Mitigation is identified in the EIR to reduce project impacts to biological resources resulting with required grading and construction to a less than significant level.

24-3

Comment Summary:

The commenters indicate that the project would exacerbate existing traffic issues in the area, particularly near Capri Elementary School, causing safety issues for pedestrians and cyclists, and along Leucadia Boulevard, which will be further affected by other projects in the area. The commenter also expresses concerns regarding impacts to emergency

From: Lisa Lasch <ldlasch60@gmail.com>
Sent: Monday, February 6, 2023 4:47 PM
To: Nick Koutoufidis
Subject: Attn: Nick Koutoufidis Re case# Piraeus Point multi- 005158-2022, ...

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

I am writing on behalf of myself and my family, to express our opposition to the proposed Piraeus Point development. 24-1

Environmental Impact - this proposed development intends to destroy virtually all native vegetation and wildlife. This site is in the Scenic Visual Corridor which has constraints on removing sensitive habitat. Why is it being allowed to grade and destroy native vegetation and wildlife? 24-2

Traffic - Traffic in Encinitas is already awful and this development will just make it worse. In this neighborhood alone traffic from Capri School pick-up and drop-off makes it hazardous to walk or bike. The larger picture is even worse. Leucadia Blvd is a nightmare to travel in the afternoon and early evening, and is going to be negatively impacted by this development, as well as by the Fox Point, and Clark developments. That being said, a bigger concern is the possible need to evacuate in case of an emergency or natural disaster. It would be next to impossible to quickly leave the neighborhood and surrounding area. We are still in a high risk, fire prone area, and if there were a wildfire in the nearby canyons, many people in this area would not be able to evacuate due to the increased number of cars. It's already bad enough. The EIR needs to address the development's traffic impact on Caudor, Capri, Urania, and Normandy. 24-3

Parking - where will the residents park? The developer has not provided sufficient parking for the planned development. Piraeus isn't designed for on-street parking, nor is Plato. Additionally, cyclists of all ages use Piraeus to get to the skate park. The increased amount of cars will create an even more dangerous environment for those cyclists, many of which are young teenagers. 24-4

Utilities - There should not be a waiver given for underground utilities, for any reason. 24-5

This project has so many negatives and points against it, it should not be considered for high density development. It does not fit in this existing neighborhood and we oppose it! 24-6

Sincerely,

Lisa Lasch
Donald Lasch
Kelsey Lasch

evacuation as a result of increased traffic. The commenter feels that the EIR should address impacts of the project on Caudor Street, Capri Road, Urania Avenue, and Normandy Road.

Response:

Please refer to Master Response 1 and Response 7-1.

24-4

Comment Summary:

The commenters assert that the project would not provide enough onsite parking and express concern regarding safety of cyclists due to the increase in traffic on Piraeus Street.

Response:

Please refer to Master Response 1.

24-5

Comment Summary:

The commenters feel that the project should not be exempted from undergrounding utilities.

Response:

Refer to Master Response 4. This comment does not raise an environmental concern pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. No further response is required.

24-6

Comment Summary:

The commenters state that the project site should not be utilized for high density development and that the project would not be compatible with the surrounding community.

Response:

Please refer to Master Response 4. The project site is identified as the "Cannon Property (Piraeus) – Site Number 02" in the City's General Plan Housing Element Update and is therefore anticipated by the City for

Preface and Responses to Comments

From: Lisa Lasch <ldlasch60@gmail.com>
Sent: Monday, February 6, 2023 4:47 PM
To: Nick Koutoufidis
Subject: Attn: Nick Koutoufidis Re case# Piraeus Point multi- 005158-2022, ...

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

I am writing on behalf of myself and my family, to express our opposition to the proposed Piraeus Point development. 24-1

Environmental Impact - this proposed development intends to destroy virtually all native vegetation and wildlife. This site is in the Scenic Visual Corridor which has constraints on removing sensitive habitat. Why is it being allowed to grade and destroy native vegetation and wildlife? 24-2

Traffic - Traffic in Encinitas is already awful and this development will just make it worse. In this neighborhood alone traffic from Capri School pick-up and drop-off makes it hazardous to walk or bike. The larger picture is even worse. Leucadia Blvd is a nightmare to travel in the afternoon and early evening, and is going to be negatively impacted by this development, as well as by the Fox Point, and Clark developments. That being said, a bigger concern is the possible need to evacuate in case of an emergency or natural disaster. It would be next to impossible to quickly leave the neighborhood and surrounding area. We are still in a high risk, fire prone area, and if there were a wildfire in the nearby canyons, many people in this area would not be able to evacuate due to the increased number of cars. It's already bad enough. The EIR needs to address the development's traffic impact on Caudor, Capri, Urania, and Normandy. 24-3

Parking - where will the residents park? The developer has not provided sufficient parking for the planned development. Piraeus isn't designed for on-street parking, nor is Plato. Additionally, cyclists of all ages use Piraeus to get to the skate park. The increased amount of cars will create an even more dangerous environment for those cyclists, many of which are young teenagers. 24-4

Utilities - There should not be a waiver given for underground utilities, for any reason. 24-5

This project has so many negatives and points against it, it should not be considered for high density development. It does not fit in this existing neighborhood and we oppose it! 24-6

Sincerely,

Lisa Lasch
Donald Lasch
Kelsey Lasch

future residential development. Per the R-30 overlay zone that applies to this parcel, up to 161 residential units could be developed without application of allowances under state Density Bonus laws (5.36 net acres x 30 DU/acre). With the application of density bonus, the project could support up to 310 homes [(6.88 gross acres x 30 DU/acre) x 1.5 density bonus]. The 149 multi-family residential units proposed with the project would therefore be within the allowable unit count.

From: NB Viv <moenievolmaak@gmail.com>
Sent: Monday, January 30, 2023 5:07 PM
To: Nick Koutoufidis
Subject: Comment on public review of Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

January 30, 2023

To Nick Koutoufidis
Development Services Department
City of Encinitas
CA 92024

I am also sending this by regular mail.

Dear Mr Koutoufidis re: Case # MULTI-005158-2022 (and others)

We are Leucadia residents in the neighborhood of the planned Piraeus Point Project and are writing to express some of the concerns that we have about this high density development proposed by the Lennar Homes Group.

25-1

We understand the need for affordable housing in our city but of the 149 proposed homes being built, only 15 of these are for affordable housing. The concessions that have apparently been granted to this development (such as allowing an inadequate number of parking spaces and allowing a request for utilities to remain above seem out of proportion to the affordable housing impact that this will have.

25-2

Other than the aesthetic impact that this is going to have on our sleepy neighborhood where our roads are narrow and barely manage the current traffic, we have some very real concerns about this project.

Our primary concern is the very real safety issue regarding children who will need to get to school and will in all likelihood walk to Capri Elementary from the development. There are no sidewalks and so the danger to kids walking to and from school is very real. At the very least a pedestrian "safe walk to school" should be created to avoid the potential tragedy that can occur and the resultant liability to our city. We understand that all that is being proposed is a walkway on the periphery of the property itself which does not in any way mitigate the inherent dangers of walking to school.

25-3

Our secondary concern is the enormous impact that this project will have both on local street parking and on traffic in the area. We understand that the R30 overlay that has been allowed because of the very few affordable units, means that, on average, each unit will only have 1.5 garage spaces and we should assume that residents and their guests will have to find parking on neighborhood streets (it is not possible to park on Piraeus or Plato which would limit two way traffic) While it is said by Brian Grover that the CC&Rs will require residents to park in their garages and not use them for storage space, how is this going to be enforced? There is also no easily accessible public transport and so it is reasonable to assume that most units will have at least 2 vehicles including the one bedroom units.

25-4

There is already noticeable impact on our local traffic with school drop off and pick up creating traffic jams that often prevent us from reaching our driveway. Traffic on northbound Piraeus trying to turn left onto La

25-2

25 Nicholas and Lorraine Levy

25-1

Comment Summary:

The commenters indicate that they are residents of the Leucadia community and that they have concerns regarding the "high-density" development proposed.

Response:

The comment is introductory and no further response is required. Refer to subsequent comments provided below.

25-2

Comment Summary:

The commenters assert that the concessions that have been granted to the project applicant, such as allowing an inadequate amount of parking and waiving the requirement to underground utilities, are not justified because only 15 of the proposed 149 homes would be offered as affordable housing.

Response:

Please refer to Master Responses 1 and 4. The project would adhere to State Density Bonus Law by providing 15 "very low" income units (affordable to households earning no more than 50 percent of the area median income) which represents approximately 10 percent of the overall unit count. While this allows the project to utilize the maximum density bonus (up to a 50 percent increase in unit count), the project is not proposing to utilize Density Bonus Law to increase the unit density onsite.

The project is allowed up to three concessions and unlimited waivers. The project applicant is requesting to use only one waiver and one incentive which are intended to ensure that the project remains feasible and that affordable housing can be provided.

Preface and Responses to Comments

From: NB Viv <moenievolmaak@gmail.com>
Sent: Monday, January 30, 2023 5:07 PM
To: Nick Koutoufidis
Subject: Comment on public review of Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

January 30, 2023

To Nick Koutoufidis
Development Services Department
City of Encinitas
CA 92024

I am also sending this by regular mail.

Dear Mr Koutoufidis re: Case # MULTI-005158-2022 (and others)

We are Leucadia residents in the neighborhood of the planned Piraeus Point Project and are writing to express some of the concerns that we have about this high density development proposed by the Lennar Homes Group.

25-1

We understand the need for affordable housing in our city but of the 149 proposed homes being built, only 15 of these are for affordable housing. The concessions that have apparently been granted to this development (such as allowing an inadequate number of parking spaces and allowing a request for utilities to remain above seem out of proportion to the affordable housing impact that this will have.

25-2

Other than the aesthetic impact that this is going to have on our sleepy neighborhood where our roads are narrow and barely manage the current traffic, we have some very real concerns about this project.

Our primary concern is the very real safety issue regarding children who will need to get to school and will in all likelihood walk to Capri Elementary from the development. There are no sidewalks and so the danger to kids walking to and from school is very real. At the very least a pedestrian "safe walk to school" should be created to avoid the potential tragedy that can occur and the resultant liability to our city. We understand that all that is being proposed is a walkway on the periphery of the property itself which does not in any way mitigate the inherent dangers of walking to school.

25-3

Our secondary concern is the enormous impact that this project will have both on local street parking and on traffic in the area. We understand that the R30 overlay that has been allowed because of the very few affordable units, means that, on average, each unit will only have 1.5 garage spaces and we should assume that residents and their guests will have to find parking on neighborhood streets (it is not possible to park on Piraeus or Plato which would limit two way traffic) While it is said by Brian Grover that the CC&Rs will require residents to park in their garages and not use them for storage space, how is this going to be enforced? There is also no easily accessible public transport and so it is reasonable to assume that most units will have at least 2 vehicles including the one bedroom units.

25-4

There is already noticeable impact on our local traffic with school drop off and pick up creating traffic jams that often prevent us from reaching our driveway. Traffic on northbound Piraeus trying to turn left onto La

25-2

25-3

Comment Summary:

The commenters express concern over the aesthetic impacts of the project and the impacts on traffic. Specifically, the commenters feel that the project poses safety issues for children walking to Capri Elementary School from the project site, particularly due to the lack of sidewalks.

Response:

Refer to Master Responses 1 and 4. The commenters do not note specific concerns regarding aesthetic impacts and traffic impacts associated with the project. Potential effects on designated scenic resources or vistas, conflicts with applicable zoning and other regulations governing scenic quality, and adverse lighting and glare effects associated with the proposed project are adequately analyzed in Section 3.1, Aesthetics, of the EIR. Potential transportation impacts associated with the proposed project are adequately analyzed in Section 3.12, Transportation, of the EIR.

25-4

Comment Summary:

The commenters express concern regarding the impacts on parking and traffic in the area and questions whether it is feasible to enforce that onsite private garages be used for parking rather than storage. The commenters also note the lack of easily accessible public transportation in the area.

Response:

Please refer to Master Response 1. Parking is not an issue of environmental concern requiring evaluation pursuant to CEQA. Whether residents would be required to use their garages for parking would be managed by the HOA. The City acknowledges the lack of public transportation in the project area. Measures are identified in EIR Section 3.12, such as providing new residents with information on available area public transit and implementation of an electric bikeshare program, among other measures, to encourage use of such modes of transit.

Costa avenue often make it impossible to turn right resulting in drivers having to wait multiple light changes to make the right hand turn. The fact that Piraeus also does not allow direct access to Leucadia Blvd limits flow and forces vehicles onto residential streets Normandy and Urania, resulting in long delays accessing Leucadia Blvd. It is absolutely without doubt that an extra 300 plus vehicles will impact this already very bad situation. One should also pay attention to the access into our neighborhood for first responders. If traffic is blocked in the event of a fire, earthquake or medical emergency there may be lethal consequences.

There are several other concerns of perhaps lesser importance. Nothing is as important as the safety of our children and it is reasonable and foreseeable that pedestrian accidents are likely to happen unless children can walk safely to school.

We object to the waiver being offered to the developer to allow them to keep utilities above ground. In addition to the aesthetic concerns of above ground utilities, undergrounding them would also potentially provide some extra parking space. We understand that all new construction is obligated to underground their utility access and so it is not unreasonable for Lennar to be held to the same standard.

From a perspective of the nature of our community it is also sad to see no space put aside for children to play in. Rooftop decks do not make for good playgrounds especially when kids want to play with balls or ride bikes.

Finally, does Capri Elementary have the capacity to absorb this many new students? We understand that they are almost full.

Thanking you for your consideration in reading this letter and hoping that the city will do the right thing for the safety and wellbeing of our children.

Yours truly,

Nicholas Levy and Lorraine Levy

25-5
cont'd
25-6
25-7
25-8
25-9
25-10

25-5

Comment Summary:

The commenters express concern over impacts to traffic in the area, particularly increased traffic jams and delays on Leucadia Boulevard. The commenters also raise concerns over traffic blockages impacting first responders in the event of emergencies.

Response:

Please refer to Master Response 1 and Response 7-1.

25-6

Comment Summary:

The commenters again mention concerns regarding the safety of children walking to school from the project site.

Response:

Please refer to Master Response 1.

25-7

Comment Summary:

The commenters feel that allowing the applicants to keep utilities aboveground would result in aesthetic impacts, while undergrounding the utilities would provide more onsite parking.

Response:

Please refer to Master Response 4.

25-8

Comment Summary:

The commenters express concern that the proposed onsite rooftop decks do not provide adequate play space for children.

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

Costa avenue often make it impossible to turn right resulting in drivers having to wait multiple light changes to make the right hand turn. The fact that Piraeus also does not allow direct access to Leucadia Blvd limits flow and forces vehicles onto residential streets Normandy and Urania, resulting in long delays accessing Leucadia Blvd. It is absolutely without doubt that an extra 300 plus vehicles will impact this already very bad situation. One should also pay attention to the access into our neighborhood for first responders. If traffic is blocked in the event of a fire, earthquake or medical emergency there may be lethal consequences.

There are several other concerns of perhaps lesser importance. Nothing is as important as the safety of our children and it is reasonable and foreseeable that pedestrian accidents are likely to happen unless children can walk safely to school.

We object to the waiver being offered to the developer to allow them to keep utilities above ground. In addition to the aesthetic concerns of above ground utilities, undergrounding them would also potentially provide some extra parking space. We understand that all new construction is obligated to underground their utility access and so it is not unreasonable for Lennar to be held to the same standard.

From a perspective of the nature of our community it is also sad to see no space put aside for children to play in. Rooftop decks do not make for good playgrounds especially when kids want to play with balls or ride bikes.

Finally, does Capri Elementary have the capacity to absorb this many new students? We understand that they are almost full.

Thanking you for your consideration in reading this letter and hoping that the city will do the right thing for the safety and wellbeing of our children.

Yours truly,

Nicholas Levy and Lorraine Levy

25-5
cont'd

25-6

25-7

25-8

25-9

25-10

25-9

Comment Summary:

The commenters express concern over impacts to the capacity of Capri Elementary School that would result with project implementation.

Response:

Please refer to Master Response 2.

25-10

Comment Summary:

The commenters thank the City for reading their comments and indicate that they hope the City will make the decision to protect the safety and well-being of area children.

Response:

This comment is made in summary and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

From: Sheila Locko <1resource@cox.net>
Sent: Monday, February 6, 2023 5:20 PM
To: Nick Koutoufidis
Cc: Locko - RESOURCE Marketing Associates
Subject: RE: Corrected email re :Piraeus Point EIR comment review: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Hi Nick,

Please see my corrected email for the PP draft comments- I have a painful broken wrist and it is so difficult to send emails.

Just after I sent it to you at 5pm, I did a quick review and realized I had some typos.

Would you be so kind as to replace the email I sent you at 5pm with the corrected one below. I greatly appreciate your help!

Please let me know if this corrected version will go on record- I sent it to you only a few minutes after I sent the first one.

Thank you for your understanding!

Sheila

This communication and any accompanying documents are confidential and privileged, and intended for the sole use of the named recipient(s) only. Any redistribution of this email, content or its attachments in whole or in part to a 3rd party by email or any other means is prohibited under state and federal cyber crime statutes, regulations and laws. If you received this in error, you are to: delete the email and any all contents and any attachments and 2.) confirm this action by return email. Receipt by all recipients is tracked and monitored by 3rd party software.

From: Sheila Locko <1resource@cox.net>
Sent: Monday, February 6, 2023 5:17 PM
To: 'Nick Koutoufidis' <nkoutoufidis@encinitasca.gov>
Subject: Corrected email re :Piraeus Point EIR comment review: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Thank you for the opportunity to comment on the Piraeus Point draft EIR.

Most importantly, we trust that the valid input from so many citizens will be read, thoughtfully evaluated and responded to prior to final EIR.

Often citizen input is just placed in the project file, and not acted upon.

There are common and irrefutable facts that need to be resolved in the draft EIR process – and these issues were referred to, but not adequately resolved in the draft EIR:

26 Sheila Locko

26-1

Comment Summary:

The commenter thanks the City for the opportunity to comment on the EIR. The commenter indicates that there are issues that were not adequately resolved in the EIR.

Response:

This comment is introductory and does not raise an environmental concern pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. No further response is required.

26-1

Preface and Responses to Comments

1. An actionable deficiency in this project is Transportation:

This clear and critical flaw in the draft EIR is evidenced in Section 6.1: Significant and Unavoidable impacts:

Quote from the Piraeus Point draft EIR 6.1: *“ It is noted this unavoidable impact is primarily a result of the geographic location of the project in a suburban neighborhood. Additionally, no public transit facilities exist within approximately one mile of the project site. Bicycle facilities and sidewalks are generally limited in the project vicinity, and no employment or retail centers are located in the surrounding area. Based on such conditions, vehicle trip lengths tend to be greater, thereby resulting in greater vehicle dependence and VMT required to access jobs, services, goods, and other activities”.*

The conclusion is that due to the location of the project in a rural residential neighborhood, transportation is an issue that the draft EIR failed to resolve.

There is no nearby public transit in less than 1 mile, no safe bicycle routes on Piraeus, and no job or retail centers located in the surrounding areas.

Thus residents of Piraeus Point will have to rely on vehicles for their primary source of transportation.

This reliance on vehicle transportation is documented fact in the draft EIR and completely refutes the premise of minimal parking spaces and assuming residents will instead rely on riding a bike or walking a mile for a bus -or more miles to use the coastal train service.

2. Parking: Onsite and offsite parking deficiency needs significant changes before final EIR:

The proposed parking in the complex for residents represents less than 2 parking spots per UNIT— NOT per person/vehicle. As this 149 unit complex proposes 1, 2 and 3 bedroom units, it is clear that the project parking plan is inadequate to support parking for the actual number of resident vehicles.

Given the location of this project, alternate forms of transportation such as riding bicycles or walking miles to buses or train transit is not feasible as a viable source of transportation for these residents and their children and elders. (as documented above.)

Not addressed - off street parking is not an option on Plato or Piraeus.

The draft EIR completely fails in resolving this issue of parking/ safety/access.

In essence, where are the residents and guests of this 149 unit complex going to park their vehicles?

3. Traffic/ cumulative effect:

The cumulative effects with current developments and proposed projects were not adequately analyzed. The ADT’s were at best minor projections or nonexistent.

This is a flawed and unacceptable cumulative effect of this project.

This is a critical on every level- Noise/emissions/public health and safety, biological integrity and quality of life.

26-2

26-3

26-4

26-2

Comment Summary:

The commenter feels that EIR Section 6.1, Significant and Unavoidable Impacts, is flawed. The commenter states that the reliance on vehicles, as described in the EIR, conflicts with the premise of minimal parking spaces and assuming that residents of the project would rely instead on bicycling or walking at least a mile to use public transit.

Response:

Potential impacts of the proposed project relative to transportation are adequately analyzed in Section 3.12, Transportation, of the EIR. It is unclear what the commenter is trying to indicate, and the commenter does not provide evidence to support the claim that the draft EIR is flawed. The statements provided under Section 6.1 as to why there would be a significant unavoidable impact relative to VMT are valid; refer also to EIR Appendix K for additional discussion. No further response is required.

26-3

Comment Summary:

The commenter feels that the project does not propose enough parking and indicates that bicycling or walking to access public transit from the project site is infeasible. The commenter feels that the EIR does not address the lack of parking available on Plato Place or Piraeus Street nor does it resolve issues of parking/safety/access.

Response:

Please refer to Master Response 1. Onsite parking provided with the project would be adequate to accommodate the parking needs of all residents and their guests and is in conformance with referenced parking standards.

26-4

Comment Summary:

The commenter states that the analysis of cumulative impacts, particularly in regard to average daily trips (ADT), is flawed, and that calculations of ADT were inaccurate. The commenter feels that this issue is critical as it

1. An actionable deficiency in this project is Transportation:

This clear and critical flaw in the draft EIR is evidenced in Section 6.1: Significant and Unavoidable impacts:

Quote from the Piraeus Point draft EIR 6.1: *“ It is noted this unavoidable impact is primarily a result of the geographic location of the project in a suburban neighborhood. Additionally, no public transit facilities exist within approximately one mile of the project site. Bicycle facilities and sidewalks are generally limited in the project vicinity, and no employment or retail centers are located in the surrounding area. Based on such conditions, vehicle trip lengths tend to be greater, thereby resulting in greater vehicle dependence and VMT required to access jobs, services, goods, and other activities”.*

The conclusion is that due to the location of the project in a rural residential neighborhood, transportation is an issue that the draft EIR failed to resolve.

There is no nearby public transit in less than 1 mile, no safe bicycle routes on Piraeus, and no job or retail centers located in the surrounding areas.

Thus residents of Piraeus Point will have to rely on vehicles for their primary source of transportation.

This reliance on vehicle transportation is documented fact in the draft EIR and completely refutes the premise of minimal parking spaces and assuming residents will instead rely on riding a bike or walking a mile for a bus -or more miles to use the coastal train service.

2. Parking: Onsite and offsite parking deficiency needs significant changes before final EIR:

The proposed parking in the complex for residents represents *less than 2 parking spots per UNIT– NOT per person/vehicle*. As this 149 unit complex proposes 1, 2 and 3 bedroom units, it is clear that the project parking plan is inadequate to support parking for the actual number of resident vehicles.

Given the location of this project, alternate forms of transportation such as riding bicycles or walking miles to buses or train transit is not feasible as a viable source of transportation for these residents and their children and elders. (as documented above.)

Not addressed - off street parking is not an option on Plato or Piraeus.

The draft EIR completely fails in resolving this issue of parking/ safety/access.

In essence, where are the residents and guests of this 149 unit complex going to park their vehicles?

3. Traffic/ cumulative effect:

The cumulative effects with current developments and proposed projects were not adequately analyzed. The ADT's were at best minor projections or nonexistent.

This is a flawed and unacceptable cumulative effect of this project.

This is a critical on every level- Noise/emissions/public health and safety, biological integrity and quality of life.

26-2

26-3

26-4

relates to noise, emissions, public health and safety, biological integrity, and quality of life.

Response:

Potential impacts of the proposed project relative to transportation, including potential cumulative impacts of the project, are adequately analyzed in Section 3.12, Transportation, of the EIR. The commenter does not provide evidence to support the claim that analysis of the proposed project's cumulative impacts or ADT calculations for the project are inaccurate. The ADT was calculated using a standard number of trips for the proposed land use type (*SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates in the San Diego Region, April 2002.*). No further response is required.

Preface and Responses to Comments

4. Land Use:

Additionally, the Coastal Commission found that (see pages 27-28 of the staff report): "... where development is proposed on slopes greater than 25%, special standards would apply, including that slopes of greater than 25% should be preserved in their natural state and that no principal structure or improvement should be placed, and no grading undertaken, within 25 feet of any point along an inland bluff edge."

This CCC requirement was dismissed in the EIR by stating: "It is worth noting that a deviation from this policy is permitted upon a finding that strict application thereof would preclude reasonable use of the project site."

This methodology is prevalent throughout the EIR.

It seems that the City can override protective measures and allow the developer/applicant Lennar to circumvent them.

The conclusion is evident as the EIR does not adequately justify the inappropriateness of this site for this massive project.

Thank you,

Sheila Locko

26-5

26-6

26-5

Comment Summary:

The commenter refers to a "staff report" that the EIR dismisses the Coastal Commission's requirement restricting development on steep slopes. The commenter asserts that such "methodology is prevalent throughout the EIR" in that the City can override protective measures and allow the applicant to circumvent them.

Response:

Please refer to Master Response 4. It is unclear what "staff report" the commenter is referring to or what the context of the quoted text is. The applicant is allowed certain incentives and waivers under State Density Bonus Law, which are being requested and are not an act of "circumventing" any protective measures.

26-6

Comment Summary:

The commenter states that the EIR does not adequately justify the inappropriateness of the subject site for the proposed project.

Response:

This comment is made in conclusion and does not raise specific environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. Refer to the prior comments above. No further response is required.

From: Encinitas community collective <encinitascommunitycollective@gmail.com>
Sent: Monday, February 6, 2023 3:18 PM
To: 'Frank Matchura'
Cc: Nick Koutoufidis
Subject: RE: Copy & Paste -Last Chance Written Response

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Frank,
You just need to forward this to Nick at
nkoutoufidid@encinitasca.gov
Nick, or can you accept Frank's comments via this email?
Thank you
ECC

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
760.633.2692

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

This is Frank Matchura at 829 Palaro Dr.

I've been in Leucadia since 1972 and there's been a lot of positive changes. This will definitely be a negative one the traffic alone is going to be ridiculous for anybody trying to get up to school.
How does the EIR address the increased traffic the project will bring to Capri School and its streets?

I am firmly against this and I thank you for the opportunity to respond to your email

27-1

27 Frank Matchura

27-1

Comment Summary:

The commenter indicates that he has been a resident of Leucadia since 1972. The commenter expresses concern regarding increased traffic in the vicinity of Capri Elementary School as a result of the proposed project. The commenter also states opposition to the project.

Response:

Please refer to Master Response 1.

Preface and Responses to Comments

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Dear Nick,

I would like to comment on and protest the Piraeus Point draft EIR. As a resident on Plato and immediate neighbor to the project, I will feel the impact of this project more than most. This space is valuable open space and the proposed development will meaningfully change the character of the surroundings and create visual, logistic and environmental issues.

28-1

The extensive grading and removal of 60,000 cubic yards of earth is an unnecessary destruction of native vegetation and wildlife. When I renovated my home a few years ago, I was hyper-conscious to plant native vegetation all through my ¾ acre lot so I have a keen appreciation of how difficult it is for native plants to establish themselves.

28-2

We have no sidewalks on Plato and there will be none created. The extensive additional traffic on a street heavily used for access to Capri and to Leucadia Blvd. creates significant risk for pedestrians and cyclists. This will exacerbate an existing safety issue. There appears to be insufficient parking as well and the surrounding streets do not have room for street parking. Where will the residents put their extra vehicles that we know they will have.

28-3

All this for 15 low income units? Deny all the waivers and incentives.

28-4

Thank you for your consideration,



Doug Miller
750 Plato Place
Encinitas, CA 92024

28 Doug Miller

28-1

Comment Summary:

The commenter expresses opposition to the proposed project. The commenter indicates that he lives on Plato Place, immediately adjacent to the project site. The commenter feels that the project would alter the characteristics of the surrounding area and would result in “visual, logistic, and environmental issues.”

Response:

Refer to Master Response 4. The commenter does not provide specifics on how the project would result in “visual, logistic, and environmental issues;” refer to subsequent comments provided. This comment does not question the adequacy of the EIR analysis; no further response is required.

28-2

Comment Summary:

The commenter feels that native vegetation and wildlife will be unnecessarily destroyed due to the proposed grading and amount of soil removal and indicates that it will be difficult for the vegetation to regrow.

Response:

The project would be consistent with future development as anticipated for the site in the General Plan Housing Element Update. The project proposes to limit development to the southern parcel (project area) and allow the northern parcel to serve as an offsite preserve area for the protection sensitive biological resources. Mitigation is identified in the EIR to reduce project impacts to biological resources (sensitive vegetation and wildlife) resulting with required grading and construction to a less than significant level. As grading would occur in an effort to accommodate development of the site, the area disturbed would be developed and/or enhanced with ornamental landscaping.

To: Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

nkoutoufidis@encinitasca.gov

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Dear Nick,

I would like to comment on and protest the Piraeus Point draft EIR. As a resident on Plato and immediate neighbor to the project, I will feel the impact of this project more than most. This space is valuable open space and the proposed development will meaningfully change the character of the surroundings and create visual, logistic and environmental issues.

28-1

The extensive grading and removal of 60,000 cubic yards of earth is an unnecessary destruction of native vegetation and wildlife. When I renovated my home a few years ago, I was hyper-conscious to plant native vegetation all through my ¾ acre lot so I have a keen appreciation of how difficult it is for native plants to establish themselves.

28-2

We have no sidewalks on Plato and there will be none created. The extensive additional traffic on a street heavily used for access to Capri and to Leucadia Blvd. creates significant risk for pedestrians and cyclists. This will exacerbate an existing safety issue. There appears to be insufficient parking as well and the surrounding streets do not have room for street parking. Where will the residents put their extra vehicles that we know they will have.

28-3

All this for 15 low income units? Deny all the waivers and incentives.

28-4

Thank you for your consideration,

Doug Miller

750 Plato Place

Encinitas, CA 92024

28-3

Comment Summary:

The commenter feels that existing safety concerns for pedestrians and cyclists, due to the lack of sidewalks and traffic on Plato Place, will be exacerbated by the project. The commenter also believes that the project as proposed does not include enough onsite parking and wonders where residents will park their additional cars, since the local roadways are not large enough to accommodate street parking.

Response:

Please refer to Master Response 1.

28-4

Comment Summary:

The commenter asserts that the number of proposed low-income units does not outweigh the concerns raised in his previous comments and states that the City should deny the requested waivers and incentives.

Response:

The comments provided do not raise an environmental concern pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

From: Eliot Miller <ekmiller22@gmail.com>
Sent: Monday, December 12, 2022 8:40 AM
To: Nick Koutoufidis; Dennis Kaden; Eliot Miller; Encinitas community collective
Subject: EIR review for Piraeus Point Project

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Nick:

Thank you for sending out the EIR for the Piraeus Point project for the Lennar Homes applicant. As a homeowner of 20 years on Caudor Street and as a concerned citizen I have two major concerns which I will discuss.

29-1

First is section T-18 regarding "Pedestrian Network Improvement", but not including Pedestrian safety. Yes Lennar will be putting in sidewalks on the Piraeus side of the project and will include a sidewalk on the Plato side of their property. What then happens to the children going to the local elementary school at Capri? The eastern side of Plato has no sidewalks or walkways and is a very narrow, curving street. Without continuation of the sidewalk all the way to Caudor, these children will be in harm's way with a catastrophe waiting to happen. I have spoken to the Lennar representatives regarding this issue and although they agreed this is a major issue, they feel that they pay major development fees and that the city should resolve this important issue beyond their property line. To me, I do not care who resolves this issue, it should just be part of and resolved by the environmental plan as it has a profound impact on the local community. If this is not resolved by Lennar and the City of Encinitas, a major lawsuit could take place in the future due to negligence of both of their parts.

29-2

Second: the parking issue section T-15. Again I have spoken to the Lennar representatives regarding this issue and although they agree there will not be adequate parking, they do meet the state "watered down" requirements, which supersede the local city requirements. There is currently no on-street parking on Piraeus or Plato, so where will the overflow cars go? The current allotment calls for 256 spaces (this number may be slightly low due to some new plans) with the current allotted spaces for the one bedroom units just one space, two and three bedroom units just 1.5 spaces. This allotment is fine if there is on-street parking, parking lots or mass transit. As you know, none of these are available near this projected development. Let's talk reality: basically without mass transit every adult in Encinitas needs their own car. In addition, many teenagers need a car for transportation to their high school which may be 5-20 miles away. My "realistic" calculations say that one bedroom units need 1.5 spaces, 2 bedroom units need 2 spaces and 3 bedroom units need 2.2 spaces. This calculates out to 284 spaces and does not include any spaces for guests. If you then include a minimum of 10 spaces for guests that then totals a need for 294 spaces, yet only 256 (possibly 276 with new plans) are available. Where are these cars going to park when there is no on-street parking? The closest street where there is some marginal parking is Caudor which would be severely impacted both structurally and safety wise if up to 20 additional cars are parked routinely on this street. The answer here is complex but doable: create more on-project parking or put in the HOA that their residents cannot park on the street and make that statement non-reversible in their city approval with the penalty of tickets or car removal.

29-3

Thank you for your consideration

Eliot Miller
1711 Caudor St, Encinitas

ekmiller22@gmail.com
760-822-8666

29 Eliot Miller

29-1

Comment Summary:

The commenter indicates they have been a homeowner for 20 years on Caudor Street.

Response:

The comment is introductory and does not raise any environmental concerns pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. No further response is required.

29-2

Comment Summary:

The commenter expresses concern with the "pedestrian network improvement" component of the project, specifically how it lacks to address pedestrian safety. Although the project would implement sidewalks along the Piraeus Street and Plato Place frontage, the commenter indicates that unsafe conditions for school children walking to Capri Elementary School would result. The commenter believes that these issues should be "resolved by the environmental plan."

Response:

Please refer to Master Response 1.

29-3

Comment Summary:

The commenter asserts that the project applicant agrees that adequate parking will not be provided by the project and expresses concern with overflow, as street parking is not provided along Piraeus Street or Plato Place, and parking lots and mass transit are not available in the area. Based on the commenter's own calculations, it would be more appropriate for the project to provide 284 parking spaces, without spaces for guests, or 294 parking spaces, including 10 guest spaces. The commenter contrasts this with the proposed 256 parking spaces ("possible 276 with the new plans"). The commenter indicates that Caudor Street, due to the marginal

From: Eliot Miller <ekmiller22@gmail.com>
Sent: Monday, December 12, 2022 8:40 AM
To: Nick Koutoufidis; Dennis Kaden; Eliot Miller; Encinitas community collective
Subject: EIR review for Piraeus Point Project

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Nick:

Thank you for sending out the EIR for the Piraeus Point project for the Lennar Homes applicant. As a homeowner of 20 years on Caudor Street and as a concerned citizen I have two major concerns which I will discuss.

29-1

First is section T-18 regarding "Pedestrian Network Improvement", but not including Pedestrian safety. Yes Lennar will be putting in sidewalks on the Piraeus side of the project and will include a sidewalk on the Plato side of their property. What then happens to the children going to the local elementary school at Capri? The eastern side of Plato has no sidewalks or walkways and is a very narrow, curving street. Without continuation of the sidewalk all the way to Caudor, these children will be in harm's way with a catastrophe waiting to happen. I have spoken to the Lennar representatives regarding this issue and although they agreed this is a major issue, they feel that they pay major development fees and that the city should resolve this important issue beyond their property line. To me, I do not care who resolves this issue, it should just be part of and resolved by the environmental plan as it has a profound impact on the local community. If this is not resolved by Lennar and the City of Encinitas, a major lawsuit could take place in the future due to negligence of both of their parts.

29-2

Second: the parking issue section T-15. Again I have spoken to the Lennar representatives regarding this issue and although they agree there will not be adequate parking, they do meet the state "watered down" requirements, which supersede the local city requirements. There is currently no on-street parking on Piraeus or Plato, so where will the overflow cars go? The current allotment calls for 256 spaces (this number may be slightly low due to some new plans) with the current allotted spaces for the one bedroom units just one space, two and three bedroom units just 1.5 spaces. This allotment is fine if there is on-street parking, parking lots or mass transit. As you know, none of these are available near this projected development. Let's talk reality: basically without mass transit every adult in Encinitas needs their own car. In addition, many teenagers need a car for transportation to their high school which may be 5-20 miles away. My "realistic" calculations say that one bedroom units need 1.5 spaces, 2 bedroom units need 2 spaces and 3 bedroom units need 2.2 spaces. This calculates out to 284 spaces and does not include any spaces for guests. If you then include a minimum of 10 spaces for guests that then totals a need for 294 spaces, yet only 256 (possibly 276 with new plans) are available. Where are these cars going to park when there is no on-street parking? The closest street where there is some marginal parking is Caudor which would be severely impacted both structurally and safety wise if up to 20 additional cars are parked routinely on this street. The answer here is complex but doable: create more on-project parking or put in the HOA that their residents cannot park on the street and make that statement non-reversible in their city approval with the penalty of tickets or car removal.

29-3

Thank you for your consideration

Eliot Miller
1711 Caudor St, Encinitas

ekmiller22@gmail.com
760-822-8666

parking it provides, would be "severely impacted both structurally and safety wise if up to 20 additional cars are parked routinely on this street." The commenter proposes that more onsite parking be provided or add a non-reversible statement to the HOA that street parking is not allowed.

Response:

Please refer to Master Response 1. It is not anticipated that project residents would park their cars on Caudor Street, due to distance from the site. Whether the project HOA adds a non-reversible statement that street parking is prohibited would be up to the HOA and is not a project-related issue of concern to be evaluated in the EIR pursuant to CEQA.


Preface and Responses to Comments

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitas.gov

February 6, 2023
4:32pm

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

- Nick,
- Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project. 30-1
- Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site. 30-2
- Biology/Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units. 30-3
- Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. 30-4
- Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.
- Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles. 30-5
- Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking? 30-6
- Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area. 30-7
- 30-8
- Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. Deny all the waivers and incentives. 30-9

Regards
 Brenda and John Mitchell
1431 Rainbow Ridge Ln
Encinitas, CA 92024

30 Brenda and John Mitchell

30-1

Comment Summary:

The commenters thank the City for the opportunity to comment on the EIR and express that they are opposed to the proposed project.

Response:

The comment provided is introductory and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR.

30-2

Comment Summary:

The commenters feel that the onsite steep slopes should not be graded but should rather be protected due to the site's location within a Scenic Visual Corridor. The commenters also state opposition to the proposed 40-foot retaining walls.

Response:

Refer to Response 10-2.

30-3

Comment Summary:

The commenters assert that the amount of soil removed associated with impacts to steep slopes would adversely affect native vegetation and wildlife on the project site. The commenters feel that this would be in conflict with the City's Climate Action Plan.

Response:

Refer to Response 10-3.

30-4

Comment Summary:

The commenters ask that the City deny the waiver requested by the applicant to avoid the requirement to underground utilities, as the

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitas.gov

February 6, 2023
4:32pm

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,

Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project. 30-1

Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site. 30-2

Biology-Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units. 30-3

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. 30-4

Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass. 30-4

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles. 30-5

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking? 30-6

Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area. 30-7
30-8

Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. Deny all the waivers and incentives. 30-9

Regards


Brenda and John Mitchell
1431 Rainbow Ridge Ln
Encinitas, CA 92024

applicant was aware of “the rules, site’s constraints, and cost of developing prior to getting involved with the property.”

Response:

Refer to Master Response 4.

30-5

Comment Summary:

The commenters express concern over increased traffic and related effects that may worsen with project implementation. The commenters state that direct access to Leucadia Boulevard from Piraeus Street is no longer available and causes local traffic to instead navigate through narrow roads which presents a safety concern for both vehicles and pedestrians.

Response:

Refer to Response 10-5.

30-6

Comment Summary:

The commenters indicate that the project would not provide adequate parking and would cause residents of the project to park along nearby streets.

Response:

Refer to Response 10-6.

30-7

Comment Summary:

The commenters note concern regarding existing safety issues near Capri Elementary School and roads in its vicinity, as well as the lack of improvements proposed to address the increase in pedestrian and vehicular traffic at and near the school.

Response:

Refer to Response 10-7.


Preface and Responses to Comments

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitas.gov

February 6, 2023
4:32pm

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

- Nick,
Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project. 30-1
- Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site. 30-2
- Biology-Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units. 30-3
- Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. 30-4
- Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass. 30-4
- Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles. 30-5
- Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking? 30-6
- Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area. 30-7
30-8
- Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. Deny all the waivers and incentives. 30-9

Regards
 Brenda and John Mitchell
1431 Rainbow Ridge Ln
Encinitas, CA 92024

30-8

Comment Summary:

The commenters note that MERV-16 filters would be required with project implementation and express concern about cancer risks for those occupying the proposed rooftop decks.

Response:

Refer to Response 10-8.

30-9

Comment Summary:

The commenters state that the proposed project is not compatible with the surrounding neighborhood, the scenic visual corridor, nor the "gateway" to Encinitas. The commenters request that all waivers and incentives associated with the project be denied.

Response:

Please refer to Response 10-9.

From: Michael <murasko@hotmail.com>
Sent: Monday, February 6, 2023 3:40 PM
To: Nick Koutoufidis
Subject: Opposition to Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To: Nick Koutoufidis

Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

I am very much opposed to this three story 149 unit project. This project's impact on the road and air safety, parking, schools, and traffic are of a magnitude that cannot be absorbed by my neighborhood.

Michael Murasko
1668 Burgundy Rd

31-1

31 Michael Murakso

31-1

Comment Summary:

The commenter expresses their opposition to the proposed project due to impacts on roadways, air, safety, parking, schools, and traffic that would be "of a magnitude that cannot be absorbed" by the commenter's neighborhood.

Response:

Please refer to Master Responses 1 and 2. The commenter does not provide specifics as to how the project as proposed would be incompatible with the surrounding neighborhood relative to the issue areas noted. Refer also to Section 2.2, Air Quality, which concludes project impacts would be less than significant, with exception of emissions for diesel particulate matter, which would be reduced to less than significant with mitigation incorporated.

Preface and Responses to Comments

From: Kathryn Murtfeldt <kmurtfeldt@icloud.com>
Sent: Friday, February 3, 2023 11:13 AM
To: Nick Koutoufidis
Subject: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Dear Nick,

The Piraeus Point project does not incorporate into the existing community.

32-1

Traffic
The 149 units in this project will create additional traffic on Plato, Caudor and Piraeus Streets. These streets are narrow, hilly, curved and lack designated sidewalks. Children and families in the Piraeus units will want to be able to walk to Capri Elementary school. A person was killed crossing Piraeus Street in recent years. There are no sidewalks on these streets so parents will need to drive their kids to school. School traffic in the morning and afternoons are already congested without adding additional cars taking students to school. While the EIR said traffic was significant and was not a mitigable problem, I disagree. The Capri area traffic needs to be addressed by the city of Encinitas. Adding an additional large development in a neighborhood of single family homes creates safety issues. How will fire and emergency vehicles respond during times when streets are gridlocked? Has the Fire Department been consulted about this project? How will students be able to walk safely to school?

32-2

Parking
Where will the cars park that these new housing units will generate? Most families who will be purchasing these units will have at least two cars. With 2 teenagers there could be 4 cars per unit. If the units have a 2 car garage, this will require 298 spaces. With the addition of a shared parking lot for 30 addition cars and guests, the numbers don't add up in the developments plan for parking. The total of possible cars could be (4 x 149) 596. If the plan is for 279 vehicles it doesn't address the parking requirements for this development. Where will these additional cars park on the adjacent streets? None of the streets are currently wide enough for on street parking.

32-3

Schools are full
The School District needs to be consulted on this development. School capacity is going to be an issue as there is not sufficient space to add so many additional students created by 149 units in the Piraeus Point Development. Other projects already underway like Fox Point are going to make it challenging for local families already in the community to attend neighborhood schools.

32-4

I would like to see a scaled down project with not more than 134 units, each unit needs 2 designated parking spaces, a shared parking lot with more parking spaces, an increase in the number of affordable units beyond the 10% and something more suitable to fit into our neighborhood. As resident of the community we deserve a say in what is developed that has direct impact on our daily lives.

32-5

Regards,
Kathy Murtfeldt
1593 Caudor Street
Encinitas, CA 92024

Sent from my iPhone

32 Kathryn Murtfeldt

32-1

Comment Summary:

The commenter state that the project would not incorporate into the surrounding community.

Response:

This comment is introductory; refer to the subsequent comments below. The commenter provides additional detail on why the project would be incompatible with the existing neighborhood.

32-2

Comment Summary:

The commenter expresses concerns regarding increased traffic on Plato Place, Piraeus Street, and Caudor Street and the lack of sidewalk on these roads, which poses safety concerns for children and families who wish to walk to Capri Elementary School. The commenter believes that traffic congestion near Capri Elementary School is already an issue and that the City needs to address the issue. The commenter also expresses concerns regarding emergency vehicle response due to increased traffic congestion and asks if the Fire Department has been consulted.

Response:

Please refer to Master Response 1 and Response 7-1. As described in EIR Section 3.15, Wildfire, the Encinitas Fire Department has indicated that it can adequately provide fire protection services to the project as proposed. The project would be subject to review by the Encinitas Fire Department to ensure that adequate utilities and services can be provided relative to reducing the risk or spread of wildfire and for conformance with applicable design and operational regulations.

32-3

Comment Summary:

The commenter expresses concerns regarding the number of proposed onsite parking spaces. The commenter feels that the number of resident-

From: Kathryn Murtfeldt <kmurtfeldt@icloud.com>
Sent: Friday, February 3, 2023 11:13 AM
To: Nick Koutoufidis
Subject: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Dear Nick,

The Piraeus Point project does not incorporate into the existing community.

Traffic
The 149 units in this project will create additional traffic on Plato, Caudor and Piraeus Streets. These streets are narrow, hilly, curved and lack designated sidewalks. Children and families in the Piraeus units will want to be able to walk to Capri Elementary school. A person was killed crossing Piraeus Street in recent years. There are no sidewalks on these streets so parents will need to drive their kids to school. School traffic in the morning and afternoons are already congested without adding additional cars taking students to school. While the EIR said traffic was significant and was not a mitigable problem, I disagree. The Capri area traffic needs to be addressed by the city of Encinitas. Adding an additional large development in a neighborhood of single family homes creates safety issues. How will fire and emergency vehicles respond during times when streets are gridlocked? Has the Fire Department been consulted about this project? How will students be able to walk safely to school?

Parking
Where will the cars park that these new housing units will generate? Most families who will be purchasing these units will have at least two cars. With 2 teenagers there could be 4 cars per unit. If the units have a 2 car garage, this will require 298 spaces. With the addition of a shared parking lot for 30 addition cars and guests, the numbers don't add up in the developments plan for parking. The total of possible cars could be (4 x 149) 596. If the plan is for 279 vehicles it doesn't address the parking requirements for this development. Where will these additional cars park on the adjacent streets? None of the streets are currently wide enough for on street parking.

Schools are full
The School District needs to be consulted on this development.
School capacity is going to be an issue as there is not sufficient space to add so many additional students created by 149 units in the Piraeus Point Development. Other projects already underway like Fox Point are going to make it challenging for local families already in the community to attend neighborhood schools.

I would like to see a scaled down project with not more than 134 units, each unit needs 2 designated parking spaces, a shared parking lot with more parking spaces, an increase in the number of affordable units beyond the 10% and something more suitable to fit into our neighborhood. As resident of the community we deserve a say in what is developed that has direct impact on our daily lives.

Regards,
Kathy Murtfeldt
1593 Caudor Street
Encinitas, CA 92024

Sent from my iPhone

32-1

32-2

32-3

32-4

32-5

owned cars at the project site could be as high as 596, when considering that many of the families that would occupy the proposed units may have up to 4 cars. The commenter indicates that adjacent roads are not wide enough to accommodate street parking.

Response:

Please refer to Master Response 1.

32-4

Comment Summary:

The commenter feels that the local schools do not have the capacity to accommodate additional students that would reside at the project site and believes that the school district should be consulted about the project. The commenter notes that ongoing projects in the area will create difficulties for existing families to attend local schools (due to overcrowding).

Response:

Please refer to Master Response 2.

32-5

Comment Summary:

The commenter indicates she would like to see changes to the proposed project that would reduce the number of units to 134, increase onsite parking to 2 spaces per unit, increase the number of affordable units above 10 percent, and make the project more compatible with the surrounding neighborhood.

Response:

This comment does not raise specific environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

February 3, 2023

Nick Koutoufidis
Senior Planner
Development Services Department
City of Encinitas

Re: Project Title: Piraeus Point
Project Applicant: Lennar Homes of California, LLC
Project Location: NE corner of Piraeus Street and Plato Place, Encinitas, CA 92024; County Assessor Parcels: 254-144-01-00 and 216-110-35-00
Project Case Nos: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022 and SUB-005391-2022

Mr. Koutoufidis:

I'm a resident of Encinitas, residing at 1593 Caudor Street approximately ¼ mi from the proposed Piraeus Point townhome project. I'm responding the recent EIR provided by the City for public comment.

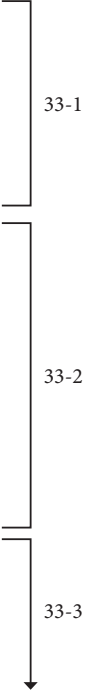
While I support the City's and State's efforts to provide more affordable/ low-income housing for people who work and live in our community, I have concerns regarding the current design of the Piraeus Point townhome project plan, and have the following comments in response to the EIR:

Project Density:

In 2021, the City applied a residential 30 overlay to the Piraeus Point townhomes site, increasing the allowable home density from RR1 and RR2 (0.5-2.0 du/ac) up to as high as 30 du/ac, a 1,500% increase! This project proposes to build 149 townhomes on APN 2541440100, a 6.88 acre parcel of land, with only 15 units designated as affordable. **This density is not compatible with the character and services available in the surrounding community.** The developer seeks to convince the City and our community that the project encompasses 11.8 acres by adding APN 2161103500 – this is misleading since this second parcel is unbuildable due to the steep grade of the bluff and proximity to the Batiquitos Lagoon. The developer should be encouraged to resubmit a new plan with less density, a higher percentage of affordable housing units and provide community infrastructure improvements to help mitigate increases in traffic; and upgrades to existing utilities, schools and emergency services that the project would require.

Schools, Section 3.11-3

The project is near Capri School, and many children and their parents walk from their homes to and from the school each day. This project will be adding children who must walk to school. The two streets adjacent to the project, Plato and Piraeus, do not have sidewalks or crosswalks,



33 Robert Murtfeldt

33-1

Comment Summary:

The commenter notes that he resides on Caudor Street and expresses support for the City and State working to provide more low-income housing in the community, but indicates concern with the project design as proposed.

Response:

This comment is introductory and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

33-2

Comment Summary:

The commenter asserts that the proposed density of the site, as permitted under the R-30 overlay, “is not compatible with the character and services available in the surrounding community.” The commenter states that it is misleading to include Assessor’s Parcel Number 2161103500 in the project site, as this parcel is unbuildable. The commenter suggests that the applicant decrease the proposed density of the site, increase the number of affordable housing units, and provide mitigation to address traffic increases associated with the project.

Response:

Please refer to Master Responses 1 and 4. It should be clarified that the project site does not include Assessor’s Parcel Number 2161103500. This parcel is proposed as an offsite preserve area to serve as mitigation for impacts to biological resources; no development or other improvements are proposed on this parcel, and it would remain in its current undeveloped state.

and children will face a perilous journey walking along these routes. In addition, many children bike to/from school. Neighborhood streets to/from Capri Elementary School are not designed for bike traffic. I'm very concerned about the potential hazards and risk of injury that additional traffic and lack of adequate sidewalks and crosswalks and bike designated streets for our children. The developer must provide specific mitigation measures in our community to assure child safety.

Further, Capri Elementary is at full capacity. Where are additional children from the project going to go to be educated? In my view, it is the developer's responsibility to provide mitigation solutions to assure that these children are adequately educated in the Encinitas School system.

Transportation, Section 3.12:

The Transportation study in the EIR concluded that the current local VMT is significant and cannot be mitigated. The study didn't take into consideration the considerable additional traffic that would be generated by Piraeus Point and 15 other new development projects as part of the City Housing Element Update (March 13, 2019), several of which have been approved and are under construction now. Piraeus Point would only add to the hazardous traffic situation now that is rapidly getting worse in our community. We've already had tragic accidents between bikers and cars recently. Can we afford to ignore worsening traffic conditions from these projects and unfortunate future tragedies that could have been avoided?

pp 3.12-1: The developer proposes 2-way access to/from Plato Place, a non-conforming, narrow, hilly, winding country road, without sidewalks. Plato is one of only a few roads that residents in the Leucadia Hills community can use to access Leucadia or La Costa Boulevards. Navigating this road with current traffic conditions is already hazardous, especially when parents are picking up/dropping off their children at Capri School. The northern end of Caudor Street is also a non-conforming narrow, hilly and winding country road. The EIR estimates occupants at Piraeus Point will have 264 vehicles. Since there is no accessible public transportation nearby, this number could be significantly higher. Conservatively, two vehicles per unit would equal a total of 298. Where will all of these vehicles park? The project was not designed properly to accommodate this number of cars.

pp 3.12-3: The project would likely increase the traffic load at the Plato / Piraeus intersection making an already busy and challenging intersection significantly more hazardous. In addition, intersections at La Costa / Piraeus, Olympus / Piraeus and Sparta / Piraeus would likely experience higher circulation flow, and in their current state, increase dangers to drivers, bikers and pedestrians. Mitigation solutions must be developed and submitted for review by the developer.

pp 3.12-4: I'm very concerned that increased vehicle, bike and pedestrian circulation from the project would create traffic bottlenecks, resulting in inadequate access for emergency vehicles: police, fire, ambulance/paramedic and utility services. Lack of free access could increase loss of life and damage to property in the Leucadia Hills community during emergencies. As



33-3

Comment Summary:

The commenter expresses concern regarding the safety of children biking or walking to Capri Elementary School due to the lack of sidewalks and crosswalks on Piraeus Street and Plato Place and the increased traffic that would result with project implementation. The commenter feels that the project applicant should be required to provide mitigation measures to ensure continued child safety.

Response:

Please refer to Master Response 1.

33-4

Comment Summary:

The commenter states that Capri Elementary School has reached maximum capacity and wonders where children residing at the project site would attend school. The commenter feels that the project applicant should mitigate for this issue.

Response:

Please refer to Master Response 2. Although the project would generate school aged children that would attend local area schools, the project applicant would be required to make payment of school impact fees to reduce any potential impacts on the school districts' ability to provide adequate school services to less than significant.

33-5

Comment Summary:

The commenter references EIR Section 3.12, Transportation, which notes that VMT-related impacts would be significant and unavoidable. The commenter states that the traffic analysis does not analyze the proposed project in conjunction with 15 other projects including the 2019 Housing Element. The commenter expresses concern regarding increased traffic associated with the project that may result in safety hazards.

Preface and Responses to Comments

and children will face a perilous journey walking along these routes. In addition, many children bike to/from school. Neighborhood streets to/from Capri Elementary School are not designed for bike traffic. I'm very concerned about the potential hazards and risk of injury that additional traffic and lack of adequate sidewalks and crosswalks and bike designated streets for our children. The developer must provide specific mitigation measures in our community to assure child safety.

Further, Capri Elementary is at full capacity. Where are additional children from the project going to go to be educated? In my view, it is the developer's responsibility to provide mitigation solutions to assure that these children are adequately educated in the Encinitas School system.

Transportation, Section 3.12:

The Transportation study in the EIR concluded that the current local VMT is significant and cannot be mitigated. The study didn't take into consideration the considerable additional traffic that would be generated by Piraeus Point and 15 other new development projects as part of the City Housing Element Update (March 13, 2019), several of which have been approved and are under construction now. Piraeus Point would only add to the hazardous traffic situation now that is rapidly getting worse in our community. We've already had tragic accidents between bikers and cars recently. Can we afford to ignore worsening traffic conditions from these projects and unfortunate future tragedies that could have been avoided?

pp 3.12-1: The developer proposes 2-way access to/from Plato Place, a non-conforming, narrow, hilly, winding country road, without sidewalks. Plato is one of only a few roads that residents in the Leucadia Hills community can use to access Leucadia or La Costa Boulevards. Navigating this road with current traffic conditions is already hazardous, especially when parents are picking up/dropping off their children at Capri School. The northern end of Caudor Street is also a non-conforming narrow, hilly and winding country road. The EIR estimates occupants at Piraeus Point will have 264 vehicles. Since there is no accessible public transportation nearby, this number could be significantly higher. Conservatively, two vehicles per unit would equal a total of 298. Where will all of these vehicles park? The project was not designed properly to accommodate this number of cars.

pp 3.12-3: The project would likely increase the traffic load at the Plato / Piraeus intersection making an already busy and challenging intersection significantly more hazardous. In addition, intersections at La Costa / Piraeus, Olympus / Piraeus and Sparta / Piraeus would likely experience higher circulation flow, and in their current state, increase dangers to drivers, bikers and pedestrians. Mitigation solutions must be developed and submitted for review by the developer.

pp 3.12-4: I'm very concerned that increased vehicle, bike and pedestrian circulation from the project would create traffic bottlenecks, resulting in inadequate access for emergency vehicles: police, fire, ambulance/paramedic and utility services. Lack of free access could increase loss of life and damage to property in the Leucadia Hills community during emergencies. As

33-3
cont'd

33-4

33-5

33-6

33-7

33-8

Response:

Please refer to Master Response 1.

33-6

Comment Summary:

The commenter notes that ingress/egress to the project site would be provided from Plato Place, which the commenter indicates is a dangerous roadway due to current design and traffic conditions, with such hazards increasing during drop-off and pick-up times at nearby Capri Elementary School. The commenter also suggests that the estimation of the number of new vehicles associated with the proposed project, as noted in the EIR, may not be high enough. The commenter asserts that the project would not be able to accommodate the number of associated cars and questions where these cars would park.

Response:

Please refer to Master Response 1. The project does not propose ingress/egress at Plato Drive; the access drive would be gated at its intersection with Plato Place and would be restricted to use by emergency vehicles only via a Knox Box. No project traffic would leave or enter the site at this point.

33-7

Comment Summary:

The commenter states that the project would increase vehicle traffic utilizing the intersections of Plato Place/Piraeus Street; La Costa Avenue/Piraeus Street; and Olympus Street/Piraeus Street; and Piraeus Street/Sparta Drive, potentially contributing to increased congestion and hazards. The commenter states that mitigation solutions to address such conditions must be developed and considered.

Response:

Please refer to Master Response 1.

mentioned before, an independent transportation study needs to be conducted to determine the seriousness of this potential problem.

pp 3.12-5: Cumulative transportation impacts from the project need to be further evaluated. Mitigation measures, if any, must be developed and submitted for review.

Utility Usage, Section 3.14:

Utility services in the Leucadia Hills Community are for the most part old. We experience frequent power outages, digital service interruptions, sewer main blocks, etc. requiring constant maintenance calls to keep them in service. Above ground poles are overloaded with power lines, transformers, cable, telephone and other digital service lines – some of these are leaning at angles in places over the streets (e.g., Caudor and Urania). Piraeus Point would add 149 new customers, that would further strain our antiquated systems and services.

I disagree with the EIR recommendations that the current utilities and services infrastructure are adequate to support this project. Can we get informed evaluations from each of the utilities and service providers in our area?

In summary, there are still several significant negative impacts of this project plan to the surrounding community, not adequately reflected in the current EIR that need to be addressed further. Will the developer take the community's comments into consideration and submit a modified EIR for further review?

Sincerely,

Robert Murtfeldt
1593 Caudor Street
Cell: (408) 348-6239

33-8
cont'd

33-9

33-10

33-11

33-8

Comment Summary:

The commenter states that that increased vehicle, bicycle, and pedestrian traffic from the project site would hinder emergency vehicle access and the provision of police, fire, and other emergency services. The commenter indicates that an independent transportation study should be prepared.

Response:

Please refer to Master Response 1 and Response 7-1. The technical studies prepared in support of the EIR were prepared by technical professionals familiar with the applicable regulations and industry standards relative to transportation issues.

A Local Transportation Assessment (LTA) was prepared for the project (Intersecting Metrics 2022) to evaluate project effects on the local transportation network and to recommend potential improvements, as necessary. Based on the analysis provided in the LTA, the project would not have a substantial effect on the operation of any roadways or intersections within the study area and that no offsite roadway or intersection improvements are needed with project implementation to alleviate the project's contribution of vehicular traffic on the local circulation system.

33-9

Comment Summary:

The commenter feels that additional analysis of cumulative transportation impacts associated with the project is necessary and asserts that mitigation measures be established and submitted for review.

Response:

Refer to Master Response 1. Potential impacts relative to increased traffic congested resulting with the proposed project in combination with other current or future development are not a topic of environmental concern requiring analysis in the EIR. Potential cumulative impacts relative to transportation are analyzed in Section 3.12, Transportation, of the EIR pursuant to the requirements of CEQA Guidelines Section 15130. The comment is conclusory in nature and does not provide specifics on how

Preface and Responses to Comments

mentioned before, an independent transportation study needs to be conducted to determine the seriousness of this potential problem.

pp 3.12-5: Cumulative transportation impacts from the project need to be further evaluated. Mitigation measures, if any, must be developed and submitted for review.

Utility Usage, Section 3.14:

Utility services in the Leucadia Hills Community are for the most part old. We experience frequent power outages, digital service interruptions, sewer main blocks, etc. requiring constant maintenance calls to keep them in service. Above ground poles are overloaded with power lines, transformers, cable, telephone and other digital service lines – some of these are leaning at angles in places over the streets (e.g., Caudor and Urania). Piraeus Point would add 149 new customers, that would further strain our antiquated systems and services.

I disagree with the EIR recommendations that the current utilities and services infrastructure are adequate to support this project. Can we get informed evaluations from each of the utilities and service providers in our area?

In summary, there are still several significant negative impacts of this project plan to the surrounding community, not adequately reflected in the current EIR that need to be addressed further. Will the developer take the community's comments into consideration and submit a modified EIR for further review?

Sincerely,

Robert Murtfeldt
1593 Caudor Street
Cell: (408) 348-6239

33-8 cont'd
33-9
33-10
33-11

the cumulative impact analysis is lacking or otherwise inadequate per the provisions of CEQA and State CEQA Guidelines. No further response is required.

33-10

Comment Summary:

The commenter feels that the project would further impact antiquated utilities in Leucadia, particularly electrical utilities, digital service lines, and sewer facilities. The commenter expresses their disagreement with the recommendations in the EIR regarding utilities and services infrastructure and feels that “informed evaluations” are needed from the affected utilities and service providers.

Response:

Potential impacts on utilities and services systems as a result of the proposed project are analyzed in Section 3.14, Utilities and Services Systems, of the EIR. The project was determined to have a less than significant impact on utilities and service systems as it would not require or result in the relocation or construction of new or expanded water or wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; have insufficient water supplies available to serve the project and reasonably foreseeable development during normal, dry, and multiple dry years; result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments; generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; nor would it violate federal, state, and local management and reduction statutes and regulations related to solid waste.

As noted in the EIR, the Leucadia Wastewater District has completed a *Project Availability Form* which states that the district has adequate capacity to provide sewer service to the project for the next 5 years under existing and anticipated conditions (Appendix N of the EIR). In addition, the San Dieguito Water District has completed a Project Facility Availability

mentioned before, an independent transportation study needs to be conducted to determine the seriousness of this potential problem.

pp 3.12-5: Cumulative transportation impacts from the project need to be further evaluated. Mitigation measures, if any, must be developed and submitted for review.

Utility Usage, Section 3.14:

Utility services in the Leucadia Hills Community are for the most part old. We experience frequent power outages, digital service interruptions, sewer main blocks, etc. requiring constant maintenance calls to keep them in service. Above ground poles are overloaded with power lines, transformers, cable, telephone and other digital service lines – some of these are leaning at angles in places over the streets (e.g., Caudor and Urania). Piraeus Point would add 149 new customers, that would further strain our antiquated systems and services.

I disagree with the EIR recommendations that the current utilities and services infrastructure are adequate to support this project. Can we get informed evaluations from each of the utilities and service providers in our area?

In summary, there are still several significant negative impacts of this project plan to the surrounding community, not adequately reflected in the current EIR that need to be addressed further. Will the developer take the community's comments into consideration and submit a modified EIR for further review?

Sincerely,

Robert Murtfeldt
1593 Caudor Street
Cell: (408) 348-6239

33-8
cont'd

33-9

33-10

33-11

Form which states that the district is expected to be able to provide adequate water service to the project as proposed for the next 5 years (Appendix N of the EIR). San Diego Gas and Electric (SDGE) currently provides electrical and natural gas services to the project vicinity; the proposed project would similarly be served by SDGE. The project would include installation of telecommunication facilities for the provision of internet services. The expected population increase in the area would not create a new substantial demand on existing telecommunication services and facilities.

33-11

Comment Summary:

The commenter asserts that the project would result in significant adverse impacts on the surrounding community that are not properly addressed by the EIR. The commenter feels that the applicant should address the community's concerns and provide an updated EIR for review.

Response:

This comment is made in summary. Potential impacts on environmental resources associated with the proposed project are analyzed, pursuant to the provisions of CEQA, in Sections 3.1 through 3.15 of the EIR. No further response is required.

Preface and Responses to Comments

From: rebeliason@aol.com
Sent: Monday, February 6, 2023 1:37 PM
To: Nick Koutoufidis
Subject: PIRAEUS POINT

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022;
and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,
Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project.

34-1

Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site. **IT WILL CHANGE THE LANDSCAPE SO TERRIBLY...OUR BEAUTIFUL, RURAL AREA WILL TURN INTO A CONCRETE WALL!**

34-2

Biology-Conservation:
Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units. **LEUCADIA IS A DARK-SKY COMMUNITY, WE HAVE CHOSEN TO LIVE HERE BECAUSE OF THE BEAUTIFUL ENVIRONMENT!! OUR FRIENDS & VISITORS SPECIFICALLY COME TO VISIT BECAUSE OF THE AMAZING COMMUNITY THAT IS LEUCADIA...PLEASE DO NOT DISRUPT THIS UNIQUE AREA.**

34-3

34 Rebecca Nielsen

34-1

Comment Summary:

The commenter thanks the City for the opportunity to comment on the EIR and states opposition to the proposed project.

Response:

The comment provided is introductory and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR.

34-2

Comment Summary:

The commenter feels that the onsite steep slopes should not be graded but should rather be protected due to the site's location within a Scenic Visual Corridor. The commenter also states opposition to the proposed 40-foot retaining walls. The commenter feels that the project would adversely impact the visual landscape of the existing rural area.

Response:

Refer to Master Response 4 and Response 10-2.

34-3

Comment Summary:

The commenter asserts that the amount of soil removed associated with impacts to steep slopes would adversely affect native vegetation and wildlife on the project site. The commenter feels that this would be in conflict with the City's Climate Action Plan. The commenter notes that Leucadia is a dark-sky community and feels that the project would be a disruption to the area.

Response:

Refer to Responses 8A-1 and 10-3.

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.

34-4

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles. **I USE THE PIRAEUS ROAD VERY FREQUENTLY AND HAVE NOTICED A VERY SUBSTANTIAL INCREASE IN BICYCLE TRAFFIC BECAUSE OF OLYMPUS PARK. WE ARE SO HAPPY TO HAVE SUCH A WONDERFUL PARK THAT SERVICES THE NEIGHBORHOOD AND ALL WHO COME TO USE IT, BUT I FEAR THAT THIS ROAD WILL JUST BE TOO CONGESTED AND OVER-USED WITH THIS NEW DEVELOPMENT. IT IS NOT WORTH JEOPARDIZING YOUNG LIVES...THE PARK WAS BUILT BECAUSE IT WAS AN IDEAL LOCATION...PLEASE DON'T CHANGE THIS!**

34-5

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking?

34-6

Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area. **BECAUSE SOUTHBOUND TRAFFIC ON PIRAEUS IS RESTRICTED, MANY CAPRI ELEMENTARY PARENTS TAKE SIDE ROUTES TO GET TO LEUCADIA...IT IS VERY BUSY AND I HAVE PERSONALLY WITNESSED MANY DISTRACTED DRIVERS TRYING TO GET TO /FROM SCHOOL QUICKLY THROUGH THE NEIGHBORHOOD...THIS WILL ONLY GET WORSE WITH PIRAEUS POINT RESIDENTS TRYING TO CONNECT TO LEUCADIA BLVD.**

34-7

Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. Deny all the waivers and incentives.

34-8

**Regards
Rebecca Nielsen
840 Sunrich Lane
Encinitas, CA 92024**

34-4

Comment Summary:

The commenter asks that the City deny the waiver requested by the applicant to avoid the requirement to underground utilities, as the applicant was aware of "the rules, site's constraints, and cost of developing prior to getting involved with the property."

Response:

Refer to Master Response 4.

34-5

Comment Summary:

The commenter expresses concern over increased traffic and related effects that may worsen with project implementation. The commenter states that direct access to Leucadia Boulevard from Piraeus Street is no longer available and causes local traffic to instead navigate through narrow roads which presents a safety concern for both vehicles and pedestrians.

The commenter also notes an increase of bicycle traffic along Piraeus Street due to the construction of Olympus Park, and fears that Piraeus Street will become too congested as a result of project implementation, creating safety issues for bicyclists traveling to and from the park.

Response:

Refer to Master Response 1. Project-generated traffic is not anticipated to interfere with bicycle travel along Piraeus Street, or any other local street. Although the project may contribute traffic to local streets, it is speculative to assume that the project would therefore directly affect this mode of travel or otherwise degrade public safety.

34-6

Comment Summary:

The commenter indicates that the project would not provide adequate parking and would cause residents of the project to park along nearby streets.

Preface and Responses to Comments

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.

34-4

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles. **I USE THE PIRAEUS ROAD VERY FREQUENTLY AND HAVE NOTICED A VERY SUBSTANTIAL INCREASE IN BICYCLE TRAFFIC BECAUSE OF OLYMPUS PARK. WE ARE SO HAPPY TO HAVE SUCH A WONDERFUL PARK THAT SERVICES THE NEIGHBORHOOD AND ALL WHO COME TO USE IT, BUT I FEAR THAT THIS ROAD WILL JUST BE TOO CONGESTED AND OVER-USED WITH THIS NEW DEVELOPMENT. IT IS NOT WORTH JEOPARDIZING YOUNG LIVES...THE PARK WAS BUILT BECAUSE IT WAS AN IDEAL LOCATION...PLEASE DON'T CHANGE THIS!**

34-5

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking?

34-6

Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area. **BECAUSE SOUTHBOUND TRAFFIC ON PIRAEUS IS RESTRICTED, MANY CAPRI ELEMENTARY PARENTS TAKE SIDE ROUTES TO GET TO LEUCADIA...IT IS VERY BUSY AND I HAVE PERSONALLY WITNESSED MANY DISTRACTED DRIVERS TRYING TO GET TO /FROM SCHOOL QUICKLY THROUGH THE NEIGHBORHOOD...THIS WILL ONLY GET WORSE WITH PIRAEUS POINT RESIDENTS TRYING TO CONNECT TO LEUCADIA BLVD.**

34-7

Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. Deny all the waivers and incentives.

34-8

**Regards
Rebecca Nielsen
840 Sunrich Lane
Encinitas, CA 92024**

Response:
Refer to Response 10-6.

34-7

Comment Summary:

The commenter notes concern regarding existing safety issues near Capri Elementary School and roads in its vicinity. The commenter expresses concern over the lack of improvements proposed to address the increase in pedestrian and vehicular traffic at and near the school. The commenter feels that Leucadia Boulevard is a common route for cars traveling to Capri Elementary School, and traffic congestion along this road would worsen with implementation of the proposed project, especially because southbound traffic on Piraeus Street is not permitted.

The commenter notes that MERV-16 filters would be required with project implementation and is concerned about cancer risks for those occupying outdoor areas of the project site.

Response:
Please refer to Master Response 1 and Response 10-8.

34-8

Comment Summary:

The commenter states that the proposed project is not compatible with the surrounding neighborhood, the scenic visual corridor, nor the "gateway" to Encinitas. The commenter requests that all waivers and incentives associated with the project be denied.

Response:
Refer to Master Response 4.

From: Jim ODonnell <jodonnell99@cox.net>
Sent: Monday, February 6, 2023 2:53 PM
To: Nick Koutoufidis
Subject: Piraeus Point project

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Case numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA state clearinghouse no. 2022050516)

Nick,
 Appreciate the opportunity to be heard regarding the Piraeus Point draft EIR.
 As a 40 year resident and taxpayer of Encinitas (leucadia) I am 100% opposed to this out of place and out of touch project. 35-1

GRADING:
 As a owner builder of an ADU on my property I am well aware of the coastal slopes, runoff, and amount of dirt export that will need to be done on this project and the irreversible damage that will occur. Much like the Fiori project on Normandy that the city allowed Lennar to overbuild on, this project is on a much grander and devastating scale. 35-2

COMMUNITY CHARACTER:
 In destroying the few last open spaces we have this project will be destroying the community character that is so sought after these days. Once again a political steamroller is rolling over the taxpayers who invested here and crushing our quality of life and home values. 35-3

TRAFFIC:
 This project is on a two lane road, nowhere near transit, nowhere near shopping, therefore everyone in this project will have to drive a car. I cannot get out of my driveway in the mornings already with the Capri traffic let alone the backup onto Leucadia Blvd from Urania! This two lane road with an outlet to La Costa Ave, and to northbound 5 at Leucadia Blvd cannot sustain this insanity. Not to mention the parking needed where there is none, and the safety concerns with the amount of kids at the new Olympus Park. 35-4

In ending; this project must be stopped because once built, you can't take it away. So many concerns and lives ruined for a few "low income units". I encourage you to please stand up and deny this eye sore in our pristine laidback community that was never designed for this type of failure. 35-5
 Please let's keep Encinitas special rather than turning it into OC.

Regards,

Jim & Cheryl O'Donnell
637 Sparta Dr.
Encinitas, Ca 92024
(760) 310-1606
jodonnell.tifco@cox.net

Jim O'Donnell
TIFCO Maintenance Specialist
(760) 310-1606
jodonnell.tifco@cox.net

35 Jim and Cheryl O'Donnell

35-1

Comment Summary:

The commenters indicate that they have resided in the City for 40 years and are opposed to the proposed project.

Response:

The commenters' opposition to the project is noted for the record. This comment is an introductory statement and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

35-2

Comment Summary:

The commenters express concern over impacts to coastal slopes as well as concerns related to runoff and soil export that would occur with project implementation. The commenters feel that this project is more impactful than the nearby Fiori project site that was already overbuilt.

Response:

Refer to Master Response 4. The comments do not provide specifics as to what the commenters' particular concern is relative to coastal slopes and hydrology/drainage effects. As indicated in the EIR, project impacts relative to aesthetics and hydrology/water quality were determined to be less than significant. Refer also to EIR Sections 3.1, Aesthetics, and 3.8, Hydrology/Water Quality for additional discussion.

35-3

Comment Summary:

The commenters feel that development of the currently vacant property would negatively impact community character, quality of life for residents, and home values in the area.

Preface and Responses to Comments

From: Jim ODonnell <jodonnell99@cox.net>
Sent: Monday, February 6, 2023 2:53 PM
To: Nick Koutoufidis
Subject: Piraeus Point project

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Case numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA state clearinghouse no. 2022050516)

Nick,
 Appreciate the opportunity to be heard regarding the Piraeus Point draft EIR.
 As a 40 year resident and taxpayer of Encinitas (leucadia) I am 100% opposed to this out of place and out of touch project. 35-1

GRADING:
 As a owner builder of an ADU on my property I am well aware of the coastal slopes, runoff, and amount of dirt export that will need to be done on this project and the irreversible damage that will occur. Much like the Fiori project on Normandy that the city allowed Lennar to overbuild on, this project is on a much grander and devastating scale. 35-2

COMMUNITY CHARACTER:
 In destroying the few last open spaces we have this project will be destroying the community character that is so sought after these days. Once again a political steamroller is rolling over the taxpayers who invested here and crushing our quality of life and home values. 35-3

TRAFFIC:
 This project is on a two lane road, nowhere near transit, nowhere near shopping, therefore everyone in this project will have to drive a car. I cannot get out of my driveway in the mornings already with the Capri traffic let alone the backup onto Leucadia Blvd from Urania! This two lane road with an outlet to La Costa Ave, and to northbound 5 at Leucadia Blvd cannot sustain this insanity. Not to mention the parking needed where there is none, and the safety concerns with the amount of kids at the new Olympus Park. 35-4

In ending; this project must be stopped because once built, you can't take it away. So many concerns and lives ruined for a few "low income units". I encourage you to please stand up and deny this eye sore in our pristine laidback community that was never designed for this type of failure. 35-5
 Please let's keep Encinitas special rather than turning it into OC.

Regards,

Jim & Cheryl O'Donnell
637 Sparta Dr.
Encinitas, Ca 92024
(760) 310-1606
jodonnell.tifco@cox.net

Jim O'Donnell
TIFCO Maintenance Specialist
(760) 310-1606
jodonnell.tifco@cox.net

Response:

Please refer to Master Response 4. Community character, quality of life, and home value are not environmental issues of concern requiring evaluation pursuant to CEQA. The City will evaluate the project as proposed for consistency with applicable design regulations and restrictions that would affect the appearance and operations of the project within the existing community through the City's discretionary review process. The project site is identified in the City's General Plan Housing Element Update as intended for development to provide new residential housing in support of State housing goals.

35-4

Comment Summary:

The commenters express concerns regarding increased traffic congestion, especially due to the lack of transit and shopping nearby to the project site, which therefore requires residents of the project to own cars. The commenters are specifically concerned about traffic congestion and queuing on Leucadia Boulevard from Urania Avenue as cars travel to Capri Elementary School in the mornings. The commenters also raise concerns regarding parking and the safety of children at Olympus Park.

Response:

Please refer to Master Response 1. Such conditions described regarding safety do not raise an environmental issue of concern requiring analysis in the EIR pursuant to CEQA.

35-5

Comment Summary:

The commenters assert that the amount of low-income units proposed for the project does not justify the concerns raised and potential impacts to nearby residents. The commenters indicate that the project would be an "eye sore" in the community.

Response:

This comment is in conclusion to the letter and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR.

From: Teresa Ornelas <tgorneas@gmail.com>
Sent: Monday, February 6, 2023 12:37 PM
To: Nick Koutoufidis
Cc: Teresa Ornelas
Subject: Case Numbers: Piraeus Point /MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Thank you Nick for the opportunity to submit my list of concerns on Piraeus Point.

To: Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

nkoutoufidis@encinitasca.gov

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

1. Existing Slope – The slope exceeds the allowable encroachment into the existing steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project is calling out an approximately 40% encroachment into steep slope areas. **In essence, the developer has planned to remove all existing slopes.** Lennar will remove: 60,000 cubic yards. This equals 2,200 lbs CY or 132,000,000 lbs/2000 = 66,000 tons. Number of 10 CY dump trucks = 66,000 tons/ 13 tons = 5,076 10 CY dump trucks.

The clean fill will be wet and more dense and weighs 3,000 lbs per CY.

36-1

1

36 Teresa Ornelas

36-1

Comment Summary:

The commenter indicates that project would encroach 40% into steep slope areas. The commenter includes calculations to determine the amount and frequency of dump trucks needed to transport the resulting soils from the site and to import the amount of clean fill needed. The commenter asserts that such construction-related trips would adversely affect nearby residents and vegetation due to dust, fumes, and traffic.

The commenter questions if the project would be “stable, safe, and well-engineered” and feels that concerns related to geology and soils are not being addressed. The commenter asserts that the project should not be approved due to its violation of the Municipal Code relative to steep slope encroachment, as well as engineering requirements (40-50 foot high retaining walls, extent of grading required) to accommodate development of the site as proposed.

Response:

Please refer to Master Response 4. As noted, the project requires a waiver as proposed grading would exceed allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). Without this waiver, the project footprint would be substantially reduced, thereby impacting the project’s ability to provide for deed-restricted affordable housing on-site. Thus, without the waiver, feasible development of the site would reduce the ability of the City to achieve its housing goals and the provision of affordable housing.

Potential impacts to air quality from project construction were analyzed in EIR Section 3.2, Air Quality. Emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0. CalEEMod is the state-wide accepted modeling software used for preparing air quality analysis. The model utilizes project-specific inputs including location, construction schedule, construction vehicle trips (including hauling), and proposed uses. Based on results of the modeling, emissions of criteria pollutants during construction, including reactive organic gases (ROG), nitrogen oxide (NO_x), carbon monoxide (CO), sulfur dioxide (SO₂), coarse

Preface and Responses to Comments

Therefore the project will require a minimum of 11,000 CY x 3,000 lbs = 33,000,000 lbs/
2000 lbs = 16,500 tons/ 13 = 1,269 10 CY dump trucks.

Total dump trucks = 6,345 over 10 months = 220 day = 29 trucks per day or 1 truck every
15 minutes.

The period of time called out for excavation is 10.5 months. This is a massive
undertaking. During the almost 11 months, the neighborhoods would be negatively
affected by the dust, the fumes, the traffic of thousands of truckloads of soil with other
earth moving equipment. All of this would impede neighbors' lives greatly. The original
vegetation, and native plants will be destroyed. Excavation, grading will be difficult. It
is questionable if this procedure will result in a stable, safe, and well-engineered
project. We need to adhere to the strict building code compliance to ensure the safety
and wellbeing of its residents. The Draft EIR Report minimizes the community
concerns. I cannot comprehend why a very important requirement soils/geology is
being avoided. It is unsafe and the only reason seems to be to benefit the
developer. The Encinitas Municipal Code calls for a 25% slope and this must be adhered
to. The code doesn't permit total removal 40 feet below the original grade level. For
this reason, the project should be rejected. It does not stand to reason that the
residents must face unsafe resolutions. Forty to 50 feet reinforced concrete retaining
walls will be constructed, east and north property line to remove 65,000 cubic
yards. This is a disgrace to the community and City of Encinitas to permit this to
occur. Why will the City set precedent for other developers to do the same? Why is
there no concern for this?

2. Utilities. Undergrounding the existing overhead electrical 12 KV lines needs to be
done. Reason: pursuant to Encinitas Municipal Code Section 23.36.120. The City of

36-1,
cont'd

36-2

particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}), would be
below the thresholds for each year of construction. As project criteria
pollutant emissions during construction would not exceed San Diego Air
Pollution Control District air quality standards and would be temporary,
impacts would be less than significant and no mitigation measures are
required.

Impacts related to geology and soils were analyzed in EIR Section 3.6,
Geology and Soils. As described, because of the distance to the nearest
fault and the magnitude of past seismic activity, the 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.

The project would prepare a Final Geotechnical Report which would
provide site-specific geotechnical recommendations for each building,
including pad compaction levels, foundation requirements, wall footing
design parameters, and other recommendations to ensure that all
structures are constructed to appropriate engineering requirements. The
project would be subject to conformance with standard requirements of
the California Building Code and local engineering design requirements.
Conformance with such recommendations and requirements would
ensure that the project would not be located on a geologic unit or soil that
is unstable, or that would become unstable as a result of the project, and
potentially result in on- or offsite landslide, lateral spreading, subsidence,
liquefaction, or collapse.

36-2

Comment Summary:

The commenter feels that the existing 12 kilovolt utility poles to the north
and east of the project site should be required to be undergrounded per
Municipal Code Section 23.36.120, and no exceptions should be granted.
The commenter feels that granting the exception would negatively impact
residents of the community and would conflict with established and
agreed upon City policies for the benefit of the applicant.

Encinitas requires all projects to underground overhead power lines—no exceptions. The incentive requested would eliminate the underground utilities requirement. All of the existing San Diego Gas & Electric utility poles that are located to the north and east of the project are 12 kilovolt and per City Policy enforced are undergrounded. However, the undergrounding of those utilities is being argued by the developer because of costs. The community residents would suffer in order to benefit the developer profit margins. The developer stands to make millions if this goes through. Again, Encinitas enforced policy and agreed to in other cases is being set aside to benefit developer construction projects/subdivisions. Why will the City risk the safety of many?

36-2
cont'd

3. Air Quality – risk of cancer to Piraeus Point Townhome residents due to the proximity of I-5 remains high. LDN Consulting, per Table 3 of EIR Draft agrees that freeway pollutants do represent a significant cancer risk for all residents and recommends installation of MERVE 16 filters. This factor alone should reject this project. Why won't the City consider the health hazards imposed by this project? Please see ECC Environmental Review dated February 6, 2023 for further details.

36-3

4. Parking – minimal parking provided. An additional minimum 500 new folks living on this very small parcel of land four acres. Never been excavated. High slope exists plus ravines. Emergency vehicles having difficulty coming in and out. Narrow street parking will overflow to other neighborhoods. This has other ramifications such as high crime, vandalism, intrusion on other home owners, the erosion of a quality well thought out community. See 3.9 Land Use and Planning. Why will the City not consider the ramifications of less and less parking throughout Encinitas? Why does the City not make developers responsible thru a fund to provide a reasonable solution?

36-4

Response:

Please refer to Master Response 4.

36-3

Comment Summary:

The commenter expresses concerns regarding cancer risks associated with the project site's proximity to I-5 and notes that that the installation of MERV-16 filters is recommended. The commenter feels that the project should not be approved due to the cancer risks associated with the proximity to I-5. The commenter also refers the reader to the Encinitas Community Collective letter dated February 6, 2023.

Response:

Please refer to Response 4A-6.

36-4

Comment Summary:

The commenter expresses concerns regarding the amount of proposed onsite parking, particularly how it would impact emergency vehicle access and would result in cars parking on narrow streets in surrounding neighborhoods. The commenter feels that the increase in street parking would result in more crime, vandalism, encroachment into other neighborhoods, and the loss of neighborhood quality.

Response:

Please refer to Master Response 1. Concerns regarding increased crime and vandalism are not environmental issues pursuant to the provisions of CEQA. The City will consider such concerns in determining whether or not to approve the proposed project.

Preface and Responses to Comments

5. Traffic – the continual cumulative effect of more than 500 vehicles on the surrounding small streets will have an extreme detrimental effect. More accidents will occur with potential deaths. This development near Capri Elementary School will have a negative impact on the already devastating flow of parent cars picking up and delivering school children. Children and their safety will be negatively affected as a result of this poor planning or no planning at all. Lack of vision. Why will the City not consider alternatives to an existing problem? Why isn't safety of our children being considered?

36-5

36-5

Comment Summary:

The commenter expresses concerns regarding the increase in traffic, particularly how it may result in increased vehicular accidents and exacerbate congestion during Capri Elementary School pick up and drop off times. The commenter feels that children safety will be adversely impacted as a result of the proposed project.

Response:

Please refer to Master Response 1.

6. Infrastructure – we have no examples of any plans to prepare for more traffic, more danger to our neighborhood. There is no provision in case of a fire. Surrounding neighbors would be unable to get out in an expedient manner. Those families on Gascony and Capri School would have great difficulty in getting to the main highways. The goal seems to be overbuild at whatever costs, no matter what the community concerns. Why is the City so slow to respond to infrastructure needs?

36-6

36-6

Comment Summary:

The commenter expresses concern regarding the increase in traffic, particularly how it would impact surrounding residents from evacuating in the event of an emergency. The commenter feels that the proposed project contributes to the overbuilding of the area at the expense of the community.

Response:

Please refer to Response 7-1.

7. Piraeus Point (Cannon Property) – is a mitigation site at best. Four acres to house over 149 homes. Piraeus Point is part of the Bluff Gateway to Encinitas 22 acres. The Bluff Gateway to Encinitas, is hopefully on its way to become a natural preserve. Piraeus is adjacent to the Bluff. It is connected. Consideration of Piraeus as part of the preserve needs to be taken into account. La Costa preservation parcel, state owned and has connectivity to Batiquitos Lagoon. It should not be loaded up with 149 homes whose owners would have noise problems from the I-5, air quality problems and minimal parking. This small piece of land was placed on the City's General Plan Housing with controversy and those issues and concerns continue today. The goals and Policies stated in the Housing Element that new construction would fit the neighborhood. Piraeus Point does not. **See City of Encinitas Housing Element 2019. Project Impacts and Mitigation.**

36-7

36-7

Comment Summary:

The commenter asserts that the project site better would serve better as a mitigation site. The commenter indicates that the site is adjacent to the Bluff Gateway to Encinitas that may become a natural preserve. The commenter suggests that the project site should be considered for its proximity to the Bluff Gateway and other preservation lands in the area. The commenter raises particular concerns regarding development of the site relative to noise from I-5, air quality, and the lack of parking and notes that due to the conditions described, development of the site does not align with the goals and policies of the City's 2019 Housing Element nor does it "fit the neighborhood."

8. Affordability- given the guidelines property owners will not qualify nor will they be able to afford the many fees, taxes without taxpayer subsidies. This is not an affordable area and will not serve as a low low income affordable housing. It is simply too expensive to live here. It is in fact a misnomer to call this project low low income /affordable housing. It should not be called affordable. Nor should developers get the benefit of waivers or incentives. The criteria when finally tested out will not hold. This has been a false scenario promulgated by individuals who will financially gain and not care about Encinitas residents and preserving the community. It is all about the profits to be gained from tax payer subsidies State and Federal by the developer, Lennar. No good will come forth from the project. The negative cumulative effect is significant and the project should be denied. Why won't the City consider this important factor?

36-8

Response:

As discussed in Section 3.3, Biological Resources, and elsewhere in the EIR, the project identifies the approximately 4.5 acres to the north of the project site as a preserve area to be protected in perpetuity, thereby avoiding potential impacts to sensitive resources and restricting development to the southernmost parcel. This approach is respectful of the site's proximity to other offsite undeveloped lands having biological value and would therefore provide continued connectivity to such lands. Impacts to sensitive biological resources resulting with development of the project site would be adequately mitigated for and reduced to a level of less than significant, thereby minimizing potential adverse effects to or loss of such resources.

The project site is identified in the City's adopted Housing Element Update as an appropriate site for new residential development to help the City meet State-mandated housing goals. The City will further evaluate the project for consistency with the City's General Plan when determining whether to approve the project as proposed. Refer also to Master Response 4 which discusses project design relative to applicable regulatory and design requirements.

36-8

Comment Summary:

The commenter feels that the project would not actually provide low-income housing as many potential property owners would not qualify and would not be able to afford living in the area. The commenter feels that describing the project as low-income affordable housing is inaccurate, as the true intent of the project is profits and financial gain at the expense of City residents and the community. The commenter believes that the project should not be approved.

Response:

Affordability and qualifications for low-income housing are not issues pursuant to the provisions of CEQA. No further response is required.

Preface and Responses to Comments

From: Mercedes Pederson <mercedespederson@gmail.com>
Sent: Sunday, February 5, 2023 6:14 PM
To: Nick Koutoufidis
Subject: Fwd: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Begin forwarded message:

From: Mercedes Pederson <mercedespederson@gmail.com>
Subject: Piraeus Point
Date: February 5, 2023 at 5:52:19 PM PST
To: nkoutoukidis@encinitasca.gov
Cc: John Pederson <92024john@gmail.com>

Dear Nick Koutoufidis,

My husband and I are 40 year old residents of Leucadia and live around the corner from Capri Elementary school in Encinitas.

We are opposed to the Piraeus Point development for the following reasons:

- 1. 1. Protect our natural resources such as lagoons, watershed, riparian, and wildlife habitat, natural vegetation, bluffs, and hillsides for our lives, our children's lives and future generations.
- 1. 2. Prevent the urbanization of our small town character and maintain the individual character of our five unique communities.
- 1. 3. Ensure infrastructure and public benefits, such as schools, parks, roads, sewer, and water facilities, are adequately planned and funded prior to approving any increase in zoning.
- 1. 4. Preserve our community's zoning and property rights in perpetuity, if we so choose. This measure does not limit development as currently permitted under existing vested property rights of land owners. It entrusts the protection



37 John and Mercedes Pederson

37-1

Comment Summary:

The commenters indicate that they have resided in Leucadia for 40 years and live in the vicinity of Capri Elementary School. The commenters indicate that there are several reasons that they are opposed to the proposed project.

Response:

This comment is introductory and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

37-2

Comment Summary:

The commenters list various goals and policies from the Land Use Element of the General Plan.

Response:

The commenters provide a list of goals and policies from the Land Use Element of the General Plan. No specific comments as how such goals and policies relate to specific concerns regarding the project as proposed are indicated. The City will consider project consistency with the General Plan as part of the discretionary process and such findings will be considered when evaluating whether to approve the project as proposed. The comments provided do not raise environmental concerns pursuant to the provisions of CEQA.

of the community's shared property rights, including the final approval on proposed increased zoning densities, to the majority vote of the Voters of Encinitas.

**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. (Coastal Act/30250)*

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development. (Coastal Act/30252)

Land Use Element (continued)

Policy 3.1: For purposes of growth management, to ensure that existing desirable community character is maintained and to ensure that facilities planning is economical and comprehensive, the ultimate buildout figure for residential dwelling units will be determined by utilizing the total mid- range density figure of the Land Use Element, which shall be derived from the total of all land use acreage devoted to residential categories, assuming a mid- range buildout density overall.

**Policy 6.6: The construction of very large buildings shall be discouraged where such structures are incompatible with surrounding development. The building height of both residential and nonresidential structures shall be compatible with surrounding development, given topographic and other considerations, and shall protect public views of regional or statewide significance. (Coastal Act/30251/30252/30253)*

Circulation Element:

Policy 2.4: When considering circulation patterns and standards, primary consideration will be given to the preservation of character and safety of existing residential neighborhoods. When conflicts arise between convenience of motorists and neighborhood



37-3

Comment Summary:

The commenters list various goals and policies from the Circulation Element of the General Plan.

Response:

The commenters provide a list of goals and policies from the Circulation Element of the General Plan. No specific comments as how such goals and policies relate to specific concerns regarding the project as proposed are indicated. Refer to Response 37-2, above.

37-2
cont'd

37-3

Preface and Responses to Comments

safety/community character preservation, the latter will have first priority.

We are hoping the city council will deny this project; as it does not meet the environmental, or safe route to school policy.

Sincerely,

John and Mercedes Pederson

↑ 37-3
cont'd
37-4

37-4

Comment Summary:

The commenters indicate that they hope the City will deny the project as it does not comply with environmental nor safe routes to school policies.

Response:

Please refer to Master Response 1. It is unclear as to what environmental or Safe Routes to School policies the commenters are referring to. No further response is required.

From: Terri Richer <terriricher3@gmail.com>
Sent: Monday, February 6, 2023 10:16 AM
To: Nick Koutoufidis
Subject: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

I'm writing this letter with my concerns about the Piraeus Point project. I've lived in this rural part of Encinitas for over 60 years. My 99 year old father lives on Plato Place and I live on Normandy Hill Lane. We both will be impacted by this project. My father counts 50 cars going to Capri school in the mornings, up Plato Place, which is a narrow street with no parking and no sidewalks. Adding another 149 homes, we could have another 100 cars each morning and afternoon. This is a rural area and the streets aren't conducive to this kind of traffic. Three story buildings are not conducive to this neighborhood. A tremendous amount of dirt will need to be removed. Dump truck exhaust, dirt, and noise pollution will negatively impact wildlife and residence for months. My father occasionally has cranes in his yard but with this project I doubt they will come around anymore. I feel like the impact of increase housing density is not being considered in the city's bid to add new housing. There are two projects, the Weston property (La Costa Ave) and the Dram and Echter (Leucadia Blvd) that have been approved but not completed. Adding another project with additional cars and traffic will congest Piraeus and impede access to Leucadia Blvd and La Costa Ave, both of them are very contested now and we haven't seen the impact of the two approved projects. In the mornings, trying to turn right on to Leucadia Blvd, from Urania, even on a green light, is difficult. Cars back up into the intersection. 271 parking spaces is not enough. There is no parking on Plato or Piraeus. Every unit will have at least two cars. Where is the overflow going to park? The city allowed a park, on Olympus, to be put in without adequate parking on a street unable to accommodate the extra traffic. Please don't let this happen on Plato Place. People have bought homes in this area because they like the rural feel. To change zoning from 8 to 25 is just not right. This project will negatively change the character of our community and our quality of life. Thank you, Terri Turner Richer

38-1
38-2
38-3
38-4
38-5

Sent from my iPhone

38 Terri Richer

38-1

Comment Summary:

The commenter indicates that they reside on Normandy Hill Lane and their father lives on Plato Place. The commenter raises concern over the increased traffic on Plato Place, that is a narrow road with no sidewalks or parking, in the mornings as cars travel to Capri Elementary School. The commenter feels that the area is not able to handle increased levels traffic that may result with addition of the project.

Response:

Please refer to Master Response 1.

38-2

Comment Summary:

The commenter feels that the project as proposed does not fit into the neighborhood due to the 3-story structures proposed, and expresses concern regarding the amount of dirt to be removed during construction as well as related dump truck exhaust, dirt, and noise pollution that would have adverse effects on wildlife.

Response:

Please refer to Master Responses 1, 3, and 4. Impacts relative to air quality were adequately analyzed in Section 3.2, Air Quality, of the EIR. As described, emissions from project construction were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0. Based on results of the modeling, emissions of criteria pollutants during project construction, including reactive organic gases (ROG), nitrogen oxide (NO_x), carbon monoxide (CO), sulfur dioxide (SO₂), coarse particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}), would be below the thresholds for each year of construction. As project criteria pollutant emissions during construction would not exceed SDAPCD air quality standards and would be temporary, impacts would be less than significant and no mitigation measures are required.

Preface and Responses to Comments

From: Terri Richer <terriricher3@gmail.com>
Sent: Monday, February 6, 2023 10:16 AM
To: Nick Koutoufidis
Subject: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

I'm writing this letter with my concerns about the Piraeus Point project. I've lived in this rural part of Encinitas for over 60 years. My 99 year old father lives on Plato Place and I live on Normandy Hill Lane. We both will be impacted by this project. My father counts 50 cars going to Capri school in the mornings, up Plato Place, which is a narrow street with no parking and no sidewalks. Adding another 149 homes, we could have another 100 cars each morning and afternoon. This is a rural area and the streets aren't conducive to this kind of traffic. Three story buildings are not conducive to this neighborhood. A tremendous amount of dirt will need to be removed. Dump truck exhaust, dirt, and noise pollution will negatively impact wildlife and residence for months. My father occasionally has cranes in his yard but with this project I doubt they will come around anymore. I feel like the impact of increase housing density is not being considered in the city's bid to add new housing. There are two projects, the Weston property (La Costa Ave) and the Dram and Echter(Leucadia Blvd) that have been approved but not completed. Adding another project with additional cars and traffic will congest Piraeus and impede access to Leucadia Blvd and La Costa Ave, both of them are very contested now and we haven't seen the impact of the two approved projects. In the mornings, trying to turn right on to Leucadia Blvd, from Urania, even on a green light, is difficult. Cars back up into the intersection. 271 parking spaces is not enough. There is no parking on Plato or Piraeus. Every unit will have at least two cars. Where is the overflow going to park? The city allowed a park , on Olympus, to be put in without adequate parking on a street unable to accomodate the extra traffic. Please don't let this happen on Plato Place. People have bought homes in this area because they like the rural feel. To change zoning from 8 to 25 is just not right. This project will negatively change the character of our community and our quality of life. Thank you, Terri Turner Richer

Sent from my iPhone

38-3

Comment Summary:

The commenter expresses concern over increased traffic congestion as a result of project implementation especially when considered in conjunction with two other approved, but not yet completed, projects in the area (Weston property and Dram and Echter). The commenter feels that Leucadia Boulevard and La Costa Avenue are already congested, and these projects would exacerbate such conditions.

Response:

Please refer to Master Response 1. The Local Transportation Analysis prepared for the project (Intersecting Metrics 2022) considered the two projects mentioned by the commenter in the cumulative analysis. Cumulative impacts, when considered with the proposed project, were determined to not adversely degrade the existing circulation system, and no offsite roadway or intersection improvements are required or proposed. Refer also to EIR Section 3.12, Transportation.

38-4

Comment Summary:

The commenter feels that the proposed number of onsite parking spaces is not sufficient and expresses concern over where overflow parking would be accommodated.

Response:

Please refer to Master Response 1.

38-5

Comment Summary:

The commenter feels that the proposed project would have adverse impacts on the existing rural character of the neighborhood and quality of life of existing residents. The commenter states "to change zoning from 8 to 25 is just not right."

From: Terri Richer <terriricher3@gmail.com>
Sent: Monday, February 6, 2023 10:16 AM
To: Nick Koutoufidis
Subject: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

I'm writing this letter with my concerns about the Piraeus Point project. I've lived in this rural part of Encinitas for over 60 years. My 99 year old father lives on Plato Place and I live on Normandy Hill Lane. We both will be impacted by this project. My father counts 50 cars going to Capri school in the mornings, up Plato Place, which is a narrow street with no parking and no sidewalks. Adding another 149 homes, we could have another 100 cars each morning and afternoon. This is a rural area and the streets aren't conducive to this kind of traffic. Three story buildings are not conducive to this neighborhood. A tremendous amount of dirt will need to be removed. Dump truck exhaust, dirt, and noise pollution will negatively impact wildlife and residence for months. My father occasionally has cranes in his yard but with this project I doubt they will come around anymore. I feel like the impact of increase housing density is not being considered in the city's bid to add new housing. There are two projects, the Weston property (La Costa Ave) and the Dram and Echter (Leucadia Blvd) that have been approved but not completed. Adding another project with additional cars and traffic will congest Piraeus and impede access to Leucadia Blvd and La Costa Ave, both of them are very contested now and we haven't seen the impact of the two approved projects. In the mornings, trying to turn right on to Leucadia Blvd, from Urania, even on a green light, is difficult. Cars back up into the intersection. 271 parking spaces is not enough. There is no parking on Plato or Piraeus. Every unit will have at least two cars. Where is the overflow going to park? The city allowed a park, on Olympus, to be put in without adequate parking on a street unable to accomodate the extra traffic. Please don't let this happen on Plato Place. People have bought homes in this area because they like the rural feel. To change zoning from 8 to 25 is just not right. This project will negatively change the character of our community and our quality of life. Thank you, Terri Turner Richer

38-1

38-2

38-3

38-4

38-5

Sent from my iPhone

Response:

The project has been designed with applicable zoning and local design regulations to ensure consistency with the type of development intended by the City for the subject property. The project is subject to the City's discretionary review process to ensure conformance with such standards and to protect the local setting. The commenter's reference to a change in zoning is unclear; no change in existing zoning that applies to the property is required or proposed to allow for project implementation. All comments provided are noted for the record.

Preface and Responses to Comments

From: Jason Riggs <jason.riggs@gmail.com>
Sent: Thursday, February 2, 2023 5:09 PM
To: Nick Koutoufidis
Subject: Re: Piraeus Point Development Concerns

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To: Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

nkoutoufidis@encinitasca.gov

760.633.2692

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Hello,

As a resident of Leucadia who has lived very close to where the Piraeus Point Development is being proposed, I'm writing to share my concerns.

We have lived in the area for almost 20 years and while there have been a lot of changes over the years, this one is the most concerning for the following reasons.

- 1. The project is much too large and completely out of character with the community
- 2. Traffic, parking and safety concerns have not been adequately addressed
- 3. It will have a negative impact on our air, water and natural resources in Encinitas due to the scale and scope of the project.

The following are areas of the Encinitas Land Use Element that would be violated should this project be approved as is:

Land Use Element:

https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20May%202018/Appdx%20E%20_ Relevant%20GP%20Policies.pdf

- 2 . 1. 1. Protect our natural resources such as lagoons, watershed, riparian, and wildlife habitat, natural vegetation, bluffs, and hillsides for our lives, our children's lives and future generations.

39 Jason Riggs

39-1

Comment Summary:

The comment is an introductory statement. The commenter indicates they have lived in the vicinity of the project site for almost 20 years and states that the project is “concerning” as proposed.

Response:

The comment does not raise any environmental concerns pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. Refer to subsequent comments below.

39-2

Comment Summary:

The commenter believes that the proposed project is too large and out of character with the community.

Response:

Please refer to Master Response 4.

39-3

Comment Summary:

The commenter feels that impacts to traffic, parking, and public safety are not properly addressed in the EIR.

Response:

Public safety and transportation-related impacts are adequately analyzed in Section 3.7, Hazards and Hazardous Materials, and Section 3.12, Transportation, of the EIR. Please refer to Master Response 1.

39-4

Comment Summary:

The commenter feels that the project would negatively impact air, water, and natural resources in the City due to the scope and scale of the project as proposed.

39-1

39-2

39-3

39-4

39-5

2 . 1 . 2 . Prevent the urbanization of our small town character and maintain the individual character of our five unique communities.

2 . 1 . 3 . Ensure infrastructure and public benefits, such as schools, parks, roads, sewer, and water facilities, are adequately planned and funded prior to approving any increase in zoning.

2 . 1 . 4 . Preserve our community's zoning and property rights in perpetuity, if we so choose.

This measure does not limit development as currently permitted under existing vested property rights of land owners. It entrusts the protection of the community's shared property rights, including the final approval on proposed increased zoning densities, to the majority vote of the Voters of Encinitas.

*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. (Coastal Act/30250)

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development. (Coastal Act/30252)

Land Use Element (continued)

Policy 3.1: For purposes of growth management, to ensure that existing desirable community character is maintained and to ensure that facilities planning is economical and comprehensive, the ultimate buildout figure for residential dwelling units will be determined by utilizing the total mid- range density figure of the Land Use Element, which shall be derived from the total of all land use acreage devoted to residential categories, assuming a mid- range buildout density overall.

*Policy 6.6: The construction of very large buildings shall be discouraged where such structures are incompatible with surrounding development. The building height of both residential and nonresidential structures shall be compatible with surrounding development, given topographic and other considerations, and shall protect public views of regional or statewide significance. (Coastal Act/30251/30252/30253)

Circulation Element:

file:///C:/Users/Dennis%20Kaden/Downloads/Circulation_Element-5.pdf

Policy 2.4: When considering circulation patterns and standards, primary consideration will be given to the preservation of character and safety of existing residential neighborhoods. When conflicts arise between convenience of motorists and neighborhood safety/community character preservation, the latter will have first priority.

Sincerely,

Jason Riggs

1755 Gascony Rd.

Encinitas, CA 92024

39-5
cont'd

39-6

39-7

Response:

Impacts to air quality, biological resources, and hydrology/water quality have been adequately analyzed in Sections 3.2, 3.3, and 3.8 of the EIR, respectively. Mitigation measures have been applied, as appropriate, to reduce potentially significant impacts to these resources to a less than significant level. The commenter does not provide specific concerns relative to impacts that may occur to such resources. No further response is required.

39-5

Comment Summary:

The commenter lists various policies from the General Plan Land Use Element and asserts that the project as proposed would violate these policies.

Response:

The commenter does not provide specifics on how the project would “violate” such policies nor raise an issue specific to the provisions to CEQA or to the findings of the EIR. No further response is required.

39-6

Comment Summary:

The commenter references an unknown “measure” and indicates that the measure does not limit development that is currently permitted under existing property rights, and rather, entrusts protection of the community’s shared property rights to voters of the City, including final approval on proposed increased zoning densities.

Response:

It is unclear what “measure” the commenter is referring to. This comment does not raise environmental concerns pursuant to the provisions of CEQA. The City will consider project consistency with the City’s General Plan and Zoning Ordinance, as applicable, when evaluating whether to approve the project as proposed. The project site is subject to the R-30 overlay zone, and does not require any changes to the existing zoning to allow for development as proposed.

Preface and Responses to Comments

2 . 1 . 2 . Prevent the urbanization of our small town character and maintain the individual character of our five unique communities.

2 . 1 . 3 . Ensure infrastructure and public benefits, such as schools, parks, roads, sewer, and water facilities, are adequately planned and funded prior to approving any increase in zoning.

2 . 1 . 4 . Preserve our community's zoning and property rights in perpetuity, if we so choose.

This measure does not limit development as currently permitted under existing vested property rights of land owners. It entrusts the protection of the community's shared property rights, including the final approval on proposed increased zoning densities, to the majority vote of the Voters of Encinitas.

*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. (Coastal Act/30250)

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development. (Coastal Act/30252)

Land Use Element (continued)

Policy 3.1: For purposes of growth management, to ensure that existing desirable community character is maintained and to ensure that facilities planning is economical and comprehensive, the ultimate buildout figure for residential dwelling units will be determined by utilizing the total mid- range density figure of the Land Use Element, which shall be derived from the total of all land use acreage devoted to residential categories, assuming a mid- range buildout density overall.

*Policy 6.6: The construction of very large buildings shall be discouraged where such structures are incompatible with surrounding development. The building height of both residential and nonresidential structures shall be compatible with surrounding development, given topographic and other considerations, and shall protect public views of regional or statewide significance. (Coastal Act/30251/30252/30253)

Circulation Element:
file:///C:/Users/Dennis%20Kaden/Downloads/Circulation_Element-5.pdf

Policy 2.4: When considering circulation patterns and standards, primary consideration will be given to the preservation of character and safety of existing residential neighborhoods. When conflicts arise between convenience of motorists and neighborhood safety/community character preservation, the latter will have first priority.

Sincerely,

Jason Riggs

1755 Gascony Rd.

Encinitas, CA 92024

39-5
cont'd

39-6

39-7

39-7

Comment Summary:

The commenter lists various policies from the General Plan Land Use Element.

Response:

The commenters provide a list of goals and policies from the Land Use Element of the General Plan. No specific comments as how such goals and policies relate to specific concerns regarding the project as proposed are indicated. The City will consider project consistency with the General Plan as part of the discretionary process and such findings will be considered when evaluating whether to approve the project as proposed. The comments provided do not raise environmental concerns pursuant to the provisions of CEQA.

TO: Nicholas Koutoufidis
Development Services Department
City of Encinitas
525 S. Valban Ave.
Encinitas, CA 92024

January 29, 2023

RE: PROJECT NAME: Piraeus Point
Case Number: MULTI-005158-2022; CDP-005161-2022;
DR-005160-2022; SUB-005159-2022;
SUB-005391-2022
Applicant: Lennar Homes of California, LLC

I have lived in the beautiful beach town of Encinitas for almost thirty years. I am extremely concerned - for many reasons - about the proposed construction project of Piraeus Point.

1. TRAFFIC/TRANSPORTATION

A. Traffic is already a problem which will be amplified by 149 more families in the immediate neighborhood. Extreme pressure points exist at:

- 1) Piraeus & La Costa Ave
- 2) Urania & Leucadia Blvd.
- 3) Capri Elementary School - 7th-8th AM and 2nd-3rd PM.

Caulder, Piraeus, Pelato, Capri, Laxery, Urania, Normandy - would all need to have lanes added i.e. and this appears to be impossible.

40-1

40-2

40 Patricia Rodgers

40-1

Comment Summary:

The commenter indicates that they have lived in the City for almost 30 years and notes that she has concerns regarding the proposed project.

Response:

This comment is introductory and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

40-2

Comment Summary:

The commenter asserts that the project would exacerbate existing traffic issues in the surrounding area, particularly at Piraeus Street and La Costa Avenue; Urania Avenue and Leucadia Boulevard; and Capri Elementary School in the mornings and afternoons. The commenter feels that lane would need to be added to local roadways but does not believe this to be possible.

Response:

Please refer to Master Response 1.

B. No public transportation is available within required walking or parking distance.

40-3

2. SAFETY

A. Capri School cannot accommodate a possible increase of 300 more students (149 units x 2 children). There are no existing sidewalks nor the possibility of creating them.

40-4

B. Fire Emergency Evacuation: If evacuation is necessary the addition of 149 more families to the immediate neighborhood would prohibit safe and efficient evacuation thru the existing routes.

40-5

3. PARKING

A. Not enough parking spaces are being allocated for the project. Each of the 149 units may have two or more cars... plus visitors, deliveries, and emergency vehicles.

40-6

B. There is no room for safe and acceptable parking on the adjacent streets of Pirineo, Clats and Calidor.

40-7

4. SCENIC CORRIDOR / WILDLIFE

A. Design height and massiveness conflict with surroundings and existing character of this important neighborhood.

40-8

40-3

Comment Summary:

The commenter indicates that public transportation is not available "within required walking or parking distance."

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR.

40-4

Comment Summary:

The commenter feels that Capri Elementary School does not have the capacity for an additional 300 students that would attend the school as a result of project implementation and expresses safety concerns due to the lack of sidewalks in the area.

Response:

Please refer to Master Responses 1 and 2.

40-5

Comment Summary:

The commenter feels that adding an additional 149 families to the neighborhood would hinder safe emergency evacuation along existing evacuation routes.

Response:

Please refer to Master Response 1.

40-6

Comment Summary:

The commenter feels that the project does not propose a sufficient amount of parking for residents, visitors, deliveries, and emergency vehicles.

Response:

Please refer to Master Response 1.

B. No public transportation is available within required walking or parking distances.

40-3

2. SAFETY

A. Capri School cannot accommodate a possible increase of 300 more students (149 units x 2 children). There are no existing sidewalks nor the possibility of creating them.

40-4

B. Fire Emergency Evacuation: If evacuation is necessary the addition of 149 more families to the immediate neighborhood would prohibit safe and efficient evacuation thru the existing routes.

40-5

3. PARKING

A. Not enough parking spaces are being allocated for the project. Each of the 149 units may have two or more cars... plus visitors, deliveries, and emergency vehicles.

40-6

B. There is no room for safe and acceptable parking on the adjacent streets of Piraeus, Plato and Caudor.

40-7

4. SCENIC CORRIDOR / WILDLIFE

A. Design height and massiveness conflict with surroundings and existing character of this important neighborhood.

40-8

40-7

Comment Summary:

The commenter feels that Piraeus Street, Plato Place, and Caudor Street do not have room for street parking.

Response:

Please refer to Master Response 1.

40-8

Comment Summary:

The commenter asserts that the proposed project is not compatible with the surroundings and character of the surrounding neighborhood.

Response:

Please refer to Master Response 4.

B. This property is part of the "Big Bluff" established for the preservation of wildlife including the beloved "Oak Catcatcher" which will be inevitably displaced.

C. Is the "sloping" proposed in the design plan truly feasible and safe??

40-9

40-9

Comment Summary:

The commenter notes the project site is part of the "Big Bluff," which was designated for the preservation of wildlife, and feels that project would result in the displacement of California gnatcatcher.

Response:

Refer to Response 1B-5.

40-10

Comment Summary:

The commenter questions if the proposed sloping for the project is feasible and safe.

Response:

EIR Appendix G-1, Geotechnical Investigation, provides an evaluation of the geologic stability of the site and the potential for any geologic instabilities to occur with development as proposed. Recommendations are identified in the report to ensure geological stability and public safety during project construction and over the long term. No adverse geologic effects are anticipated with development of the site as proposed with incorporation of the recommendations provided.

40-11

Comment Summary:

The commenter feels that residents of the project site would not be able to open their windows due to chemicals and noise originating from the freeway, which will hinder residents' ability to experience the sunshine and ocean air.

Response:

Please refer to Response 4A-6. Impacts relative to air quality would be reduced to less than significant with incorporation of mitigation measures proposed.

40-10

40-11

40-12

40-13

5. AIR QUALITY

A. Due to proximity to highway pollution production from both chemicals and the noise factor - NO WINDOWS WILL BE CAPABLE OF BEING OPENED! They will be sealed shut. Who wants to live in this beautiful area by the beach and lagoon and not be able to open their windows to the sunshine and fresh ocean air??

B. Recreational activity will be subjected to the roof tops of the 3 story structures - providing a huge amount of unwanted noise, light, lightning and disruption.

With sincerity and respect, I request that you consider the concerns and objections outlined above. Please help us preserve our beloved community.

Sincerely,
 Patricia Rodgers
 1533 Coastal St.
 Encinitas CA 92024
 360month@aol.com 760-815-8154

B. This property is part of the "Big Bluff" established for the preservation of wildlife including the beloved "Pah Catfish" which will be inevitably displaced.

40-9

C. Is the "sloping" proposed in the design plan truly feasible and safe??

40-10

5. AIR QUALITY

A. Due to proximity to highway pollution production from both chemicals and the noise factor - NO WINDOWS WILL BE CAPABLE OF BEING OPENED! They will be sealed shut. Who wants to live in this beautiful area by the beach and lagoon and not be able to open their windows to the sunshine and fresh ocean air??

40-11

B. Recreational activity will be subjected to the roof tops of the 3 story structures - providing a huge amount of unwanted noise, night lighting and disruption.

40-12

With sincerity and respect, I request that you consider the concerns and objections outlined above. Please help us preserve our beloved community.

40-13

Sincerely,
Catherine Rodgers
1533 Couler St.
Encinitas CA 92024

360month@aol.com 760-815-8154

40-12

Comment Summary:

The commenter states that recreational amenities provided in the form of rooftop decks would result in an increase in unwanted noise, nighttime lighting, and disruption.

Response:

Please refer to Master Response 3.

40-13

Comment Summary:

The commenter asks that the City consider the previously mentioned concerns and help to preserve the community.

Response:

This comment is a conclusion and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

From: Candice Shine <candice.shine@gmail.com>
Sent: Friday, February 3, 2023 3:39 PM
To: Nick Koutoufidis
Subject: EIR comments for Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Good afternoon Mr. Koutoufidis,

Just want to make sure you are in receipt of my comments I sent 2 days ago.

Please confirm.

Thank you,
Candice Shine

} 41A-1

41A Candice Shine

41A-1

Comment Summary:

The commenter asks that the City confirm receipt of their comments that were sent previously.

Response:

The City confirms that they received the commenter’s submissions on February 1, 2023, as summarized in Letter 41B below.

From: Candice Shine <candice.shine@gmail.com>
Sent: Wednesday, February 1, 2023 11:32 AM
To: Nick Koutoufidis
Subject: Piraeus Point Environmental Review comments

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Dear Mr. Koutoufidis,

EIR response.

Traffic:

We are very opposed to the Piraeus Point Project as it relates to transportation and Fire/Emergencies.

With an additional 894 vehicle ADT (average daily trips – provided information by developer) for this project without any new or revised street (s) infrastructure is ludicrous, dangerous and irresponsible.

No stop lights. No stop signs = traffic accidents for current residences using Piraeus and for the new 755 Piraeus Point residences (considering each Piraeus Point residence has a vehicle). This will put the City of Encinitas liable for accidents and or deaths due to their lack of this responsibility for the safety of their citizens.

Does the City plan on any stop lights or stop signs at Plato and Piraeus?

The traffic study provided to the City of Encinitas cannot be accurate in the section of LOS (Level of Service). La Costa Ave in both directions (East and West) are already at a standstill morning, noon and night. Current residences using Piraeus to get to the 5 freeway via La Costa will sit through several light changes before accessing La Costa. In addition, there is no direct access from Piraeus to Leucadia Blvd of the north and south bound freeway. All vehicles go through back streets to access Leucadia Blvd.

Does the City plan on re-opening access to Leucadia Blvd from Piraeus?

When there is an accident on the 5-freeway northbound before or between Leucadia Blvd. and La Costa Ave., Piraeus becomes the 'go around' street impacting current residences with lines of cars lined up on Piraeus. This tie up will become the norm if Piraeus Point is approved without any safety or infrastructure changes.

Does the City plan on making changes to the signal lights intervals at La Costa Ave and Piraeus to allow more than 5 cars from Piraeus to enter La Costa west bound to get access to interstate 5 north and south?

Fire and Emergency:

With only one way in and one way out on Piraeus for residents, puts them in dire straits in the event of an evacuation event.

Will the City request the developer to change the emergency gate on Plato to be capable of opening for the residents to vacate in the event of an emergency?

This will again put the City of Encinitas liable for injury or deaths due to their lack of safety of their citizens.

41B Candice and Randy Shine (Venier)

41B-1

Comment Summary:

The commenters express their opposition to the proposed project related to transportation and fire/emergencies concerns.

Response:

This comment is an introduction and provides context for subsequent discussion provided within the comment letter. No further response is required.

41B-2

Comment Summary:

The commenters restate the opposition for the proposed project, indicating that the project generates 894 vehicle trips with no new or revised street infrastructure proposed, including the provision stop lights or stop signs. The commenters state that the project proposes 755 residences, and that such development would make the City liable for accidents and deaths due to a lack of safety. The commenters ask if the City plans to make various roadway improvements in the vicinity of the project site (installation of stop lights/stop signs; reopening of Piraeus Street; and signal timing at Piraeus Street/La Costa Avenue) and assert that the LOS analysis prepared for the project is inaccurate.

The commenters also assert that the LOS analysis prepared for the project is in error with consideration of current traffic congestion experienced on Piraeus Street and La Costa Avenue, in particular with the lack of direct access from Piraeus Street to I-5.

Response:

Please refer to Master Response 1. Based on the Local Transportation Analysis prepared for the project (Intersecting Metrics 2022), the addition of project-generated traffic on local streets and at local intersections would not substantially degrade circulation or traffic flows, and no roadway or intersection improvements are required as a result of project implementation.

41B-1
41B-2
41B-3

Preface and Responses to Comments

From: Candice Shine <candice.shine@gmail.com>
Sent: Wednesday, February 1, 2023 11:32 AM
To: Nick Koutoufidis
Subject: Piraeus Point Environmental Review comments

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Dear Mr. Koutoufidis,

EIR response.

Traffic:

We are very opposed to the Piraeus Point Project as it relates to transportation and Fire/Emergencies.

With an additional 894 vehicle ADT (average daily trips – provided information by developer) for this project without any new or revised street (s) infrastructure is ludicrous, dangerous and irresponsible.

No stop lights. No stop signs = traffic accidents for current residences using Piraeus and for the new 755 Piraeus Point residences (considering each Piraeus Point residence has a vehicle). This will put the City of Encinitas liable for accidents and or deaths due to their lack of this responsibility for the safety of their citizens.

Does the City plan on any stop lights or stop signs at Plato and Piraeus?

The traffic study provided to the City of Encinitas cannot be accurate in the section of LOS (Level of Service). La Costa Ave in both directions (East and West) are already at a standstill morning, noon and night. Current residences using Piraeus to get to the 5 freeway via La Costa will sit through several light changes before accessing La Costa. In addition, there is no direct access from Piraeus to Leucadia Blvd to the 5 north and south bound freeway. All vehicles go through back streets to access Leucadia Blvd.

Does the City plan on re-opening access to Leucadia Blvd from Piraeus?

When there is an accident on the 5-freeway northbound before or between Leucadia Blvd. and La Costa Ave., Piraeus becomes the 'go around' street impacting current residences with lines of cars lined up on Piraeus. This tie up will become the norm if Piraeus Point is approved without any safety or infrastructure changes.

Does the City plan on making changes to the signal lights intervals at La Costa Ave and Piraeus to allow more than 5 cars from Piraeus to enter La Costa west bound to get access to interstate 5 north and south?

Fire and Emergency:

With only one way in and one way out on Piraeus for residents, puts them in dire straits in the event of an evacuation event.

Will the City request the developer to change the emergency gate on Plato to be capable of opening for the residents to vacate in the event of an emergency?

This will again put the City of Encinitas liable for injury or deaths due to their lack of safety of their citizens.

41B-1

41B-2

41B-3

No new stop lights or stop signs are required or proposed, and the project is not anticipated to decrease public safety in the vicinity. The commenters erroneously state that the project would result in 755 new residences; the project proposes 149 condominium townhomes.

Traffic congestion and LOS are not topics of environmental concern relative to CEQA. The LOS analysis prepared for the project is considered to be accurate and the findings sound. The LOS analysis does not identify the need for revisions to signal timing at the Piraeus Street/La Costa Avenue intersection to improve traffic flows as a result of project implementation.

The City acknowledges the commenters' concern relative to the reopening of Piraeus Street to allow vehicular access to Leucadia Boulevard and ultimately I-5. The City will consider such comments in evaluating whether to approve the project. Such comments do not raise an issue of environmental concern relative to CEQA.

41B-3

Comment Summary:

The commenters express concern regarding emergency response because emergency vehicles would park onsite and prevent residents of the project from evacuating. The commenters state that having only one ingress and egress point along Piraeus Street with the proposed project poses safety concerns during emergency evacuation.

Response:

Refer to Response 7-1. It is not anticipated that emergency vehicles would block residents from being able to safely exit the project site in the event of an emergency or an evacuation. The project has been designed in conformance with applicable City and fire department design standards to ensure that adequate circulation and ingress/egress is maintained. The access drive at Plato Place would be gated and would be restricted to use by emergency vehicles only.

In conclusion, the City of Encinitas should scale this project BACK by 50%, provide street stop sign or stop lights at the intersection of Plato and Piraeus, open Piraeus up to Leucadia Blvd. to provide an additional access to interstate 5 north and south bound, adjust the traffic signal lights interval at Piraeus and La Costa and provide the additional Plato access to residences.

Sincerely,

Candice and Randy Venier
Homeowners in the Monte Mira development off Sky Loft Rd.

41B-4

41B-4

Comment Summary:

The comments provided are in summary; refer to the responses above. The commenters also suggest that the project be reduced by half.

Response:

Please refer to Master Response 1 and Responses 41B-2 to 41B-3, above. The commenters do not substantiate the request to reduce the project as proposed by half.

Preface and Responses to Comments

From: Susan Shoemaker <spowershoe@gmail.com>
Sent: Sunday, February 5, 2023 3:02 PM
To: Nick Koutoufidis
Cc: Susan Shoemaker
Subject: Re: Piraeus Point Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Mr. Koutoufidis:

We are very much opposed to this project. It will absolutely change the nature of Piraeus St. The traffic will be far greater and the road, especially at that point, is on a hill here the visibility of oncoming traffic is difficult and dangerous. It appears this project may be in violation of some of our current policies:

42-1

Land Use Element:

2.1.2. Prevent the urbanization of our small town character and maintain the individual character of our five unique communities.

Policy 3.1: For purposes of growth management, to ensure that existing desirable community character is maintained and to ensure that facilities planning is economical and comprehensive, the ultimate buildout figure for residential dwelling units will be determined by utilizing the total mid-range density figure of the Land Use Element, which shall be derived from the total of all land use acreage devoted to residential categories, assuming a mid-range buildout density overall.

42-2

**Policy 6.6: The construction of very large buildings shall be discouraged where such structures are incompatible with surrounding development. The building height of both residential and nonresidential structures shall be compatible with surrounding development, given topographic and other considerations, and shall protect public views of regional or statewide significance. (Coastal Act/30251/30252/30253)*

Circulation Element:

Policy 2.4: When considering circulation patterns and standards, primary consideration will be given to the preservation of character and safety of existing residential neighborhoods. When conflicts arise between convenience of motorists and neighborhood safety/community character preservation, the latter will have first priority.

Our concern is the increased traffic around the school area and surrounding communities. In addition, will you not be forced to disrupt the flow of the current iris with stop signs or traffic lights?

42-3

Please consider this and do not approve this project.
Sincerely,

42-4

Brad and Susan Shoemaker
1855 Amalfi Dr
Encinitas, CA 92024

42 Susan and Brad Shoemaker

42-1

Comment Summary:

The commenters express their opposition to the project because it would alter the nature of Piraeus Street, would increase traffic, and would be located in an area where visibility of oncoming traffic is difficult.

Response:

Please refer to Master Responses 1 and 4. All proposed access drives for the project have been designed in accordance with City engineering design standards and would meet site distance requirements to ensure that safe ingress/egress is provided and public safety is maintained along affected roadways.

42-2

Comment Summary:

The commenters state that the project may be in violation of current City General Plan policies and cite goals and policies from the Land Use and Circulation Elements.

Response:

The commenters do not indicate how the project may be in violation of the General Plan goals and policies identified. The City will evaluate the project as proposed to determine consistency with relevant General Plan goals and policies in determining whether or not to approve the proposed project. The comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

42-3

Comment Summary:

The commenters express concern regarding increased traffic near schools and in the surrounding community and ask whether the City would be “forced to disrupt the flow of the current iris with stop signs or traffic lights.”

From: Susan Shoemaker <spowershoe@gmail.com>
Sent: Sunday, February 5, 2023 3:02 PM
To: Nick Koutoufidis
Cc: Susan Shoemaker
Subject: Re: Piraeus Point Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To: Nick Koutoufidis

Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Mr. Koutoufidis:

We are very much opposed to this project. It will absolutely change the nature of Piraeus St. The traffic will be far greater and the road, especially at that point, is on a hill here the visibility of oncoming traffic is difficult and dangerous. It appears this project may be in violation of some of our current policies:

42-1

Land Use Element:

2.1.2. Prevent the urbanization of our small town character and maintain the individual character of our five unique communities.

Policy 3.1: For purposes of growth management, to ensure that existing desirable community character is maintained and to ensure that facilities planning is economical and comprehensive, the ultimate buildout figure for residential dwelling units will be determined by utilizing the total mid-range density figure of the Land Use Element, which shall be derived from the total of all land use acreage devoted to residential categories, assuming a mid-range buildout density overall.

42-2

**Policy 6.6: The construction of very large buildings shall be discouraged where such structures are incompatible with surrounding development. The building height of both residential and nonresidential structures shall be compatible with surrounding development, given topographic and other considerations, and shall protect public views of regional or statewide significance. (Coastal Act/30251/30252/30253)*

Circulation Element:

Policy 2.4: When considering circulation patterns and standards, primary consideration will be given to the preservation of character and safety of existing residential neighborhoods. When conflicts arise between convenience of motorists and neighborhood safety/community character preservation, the latter will have first priority.

Our concern is the increased traffic around the school area and surrounding communities. In addition, will you not be forced to disrupt the flow of the current iris with stop signs or traffic lights?

42-3

Please consider this and do not approve this project.
Sincerely,

42-4

Brad and Susan Shoemaker
1855 Amalfi Dr
Encinitas, CA 92024

Response:

Please refer to Master Responses 1 and 2. Based on the Local Transportation Analysis prepared for the project (Intersecting Metrics 2022), the addition of project-generated traffic on local streets and at local intersections would not substantially degrade circulation or traffic flows, and no roadway or intersection improvements are required as a result of project implementation. No new stop lights or stop signs are required or proposed, and the project is not anticipated to decrease public safety in the vicinity of the project or area schools.

42-4

Comment Summary:

The commenters request that the City consider the comments provided and to deny the project.

Response:

This comment is in conclusion and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR.

Preface and Responses to Comments

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024



Date: 2/6/2023

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Dear Mr. Nick Koutoufidis

I would like to express my opposition to this three story 149 unit project on many levels. I have lived in this neighborhood for many years, have raised to sons here and feel like I can speak to this from experience.

43-1

- **Potential Accidents!** On 2/4/2023, I was stopped on Piraeus Road -North bound, taking a left on Plato Place Road to turn into the neighborhood. There were many cars turning out from Plato Place road, several cars stopped South-bound on Piraeus Road with a few turning right into the neighborhood. I looked in my rearview mirror and saw a truck barreling North-bound about 4-50ft. behind me going about 60+mph. He saw me stopped to wait for my turn to turn and locked up his brakes and fish-tailed. Luckily, I noticed and made a very quick decision to step on the gas and chose to maybe T-bone a car turning or to get plowed from behind going 60mph. I bring this up because traffic on Piraeus Road going both directions is very dangerous and many people use it as either a bypass to I-5 to avoid traffic or just see an open road and fly down the road. Traffic continues to be a difficulty, unsafe and will become worse if this development goes in. Southbound has hills with blind spots and houses where people are turning into their driveways and no way to know this if a car is flying south at high speeds. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles.
- **Capri Elementary & parent pick up /drop off times.** Piraeus Road also is an entrance & exit for people to pick up their children at Capri Elementary School. This road is very busy during these times and many people feel rushed to get to school to pick up their children. If you witness school times for pick up around 2PM until about 3:15PM, there is a line down Capri Road and continues for about 200 yards down Caudor Street. This line blocks any traffic trying to turn South bound at the intersection of Caudor Street and Capri Road. This is a major factor in traffic in this area!
- **Unnecessary Grading:** The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site.
- **Biology-Conservation:** Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units.

43-2

43-3

43-4

43-5

43 Mark and Sara Shotton

43-1

Comment Summary:

The commenters indicate that they have resided in the neighborhood for many years and state their opposition to the proposed project.

Response:

This comment is introductory; refer to subsequent comments provided below for additional discussion. No further response is required.

43-2

Comment Summary:

The commenter expresses concerns regarding existing dangerous conditions on local roadways, such as Piraeus Street and Urania Avenue, that would worsen with implementation of the proposed project. The commenter feels that this is a safety concern for vehicles and pedestrians.

Response:

Please refer to Master Response 1. The City acknowledges the commenters' concern relative to the reopening of Piraeus Street to allow vehicular access to Leucadia Boulevard and ultimately I-5, and the travel patterns of vehicles through the local neighborhood to get to Leucadia Street under such conditions. The City will consider such comments in evaluating whether to approve the project, Such comments do not raise an issue of environmental concern relative to CEQA.

43-3

Comment Summary:

The commenter expresses concerns regarding traffic congestion and queueing during Capri Elementary School pick up and drop off times, particularly on Piraeus Street, Capri Road, and Caudor Street.

Response:

Please refer to Master Response 1.

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024



Date: 2/6/2023

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Dear Mr. Nick Koutoufidis

I would like to express my opposition to this three story 149 unit project on many levels. I have lived in this neighborhood for many years, have raised to sons here and feel like I can speak to this from experience.

43-1

- **Potential Accidents!** On 2/4/2023, I was stopped on Piraeus Road -North bound, taking a left on Plato Place Road to turn into the neighborhood. There were many cars turning out from Plato Place road, several cars stopped South-bound on Piraeus Road with a few turning right into the neighborhood. I looked in my rearview mirror and saw a truck barreling North-bound about 4-50ft. behind me going about 60+mph. He saw me stopped to wait for my turn to turn and locked up his brakes and fish-tailed. Luckily, I noticed and made a very quick decision to step on the gas and chose to maybe T-bone a car turning or to get plowed from behind going 60mph. I bring this up because traffic on Piraeus Road going both directions is very dangerous and many people use it as either a bypass to I-5 to avoid traffic or just see an open road and fly down the road. Traffic continues to be a difficulty, unsafe and will become worse if this development goes in. Southbound has hills with blind spots and houses where people are turning into their driveways and no way to know this if a car is flying south at high speeds. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles.
- **Capri Elementary & parent pick up /drop off times.** Piraeus Road also is an entrance & exit for people to pick up their children at Capri Elementary School. This road is very busy during these times and many people feel rushed to get to school to pick up their children. If you witness school times for pick up around 2PM until about 3:15PM, there is a line down Capri Road and continues for about 200 yards down Caudor Street. This line blocks any traffic trying to turn South bound at the intersection of Caudor Street and Capri Road. This is a major factor in traffic in this area!
- **Unnecessary Grading:** The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site.
- **Biology-Conservation:** Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units.

43-2

43-3

43-4

43-5

43-4

Comment Summary:

The commenter feels that the onsite steep slopes should not be graded but should rather be protected due to the site's location within a Scenic Visual Corridor. The commenter also states opposition to the proposed 40-foot retaining walls.

Response:

Refer to Response 10-2.

43-5

Comment Summary:

The commenter asserts that the amount of soil removed associated with impacts to steep slopes would adversely affect native vegetation and wildlife on the project site. The commenter feels that this would be in conflict with the City's Climate Action Plan.

Response:

Refer to Response 10-3.

Preface and Responses to Comments

- **Underground the Utilities:** Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site’s constraints, and cost of developing prior to getting involved with the property, Do not give them a pass!
- **Parking is severely lacking.** Parking is already an issue in this part of the neighborhood! We constantly have cars jammed along Caudor Street to Palaro Drive because of many of the ADU’s that do not have enough parking in their driveways. Also, the new parking ordinance should not dictate additional parking since 90% of the houses should not be allowed to have the same ordinance as the low income ones . How will you prevent PP residents from invading the neighboring streets for over-night parking? IT IS ALREADY HAPPENING!
- Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular.

43-6

43-7

43-8

43-9

I would like the above to be well documented because of how un-safe these roads already are! I have my family of four drivers that go up and down this road everyday and will pursue legal actions if the city and state allow this bogus plan of 10% housing to go into this neighborhood that already has traffic and parking issues. Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. PLEASE deny all the waivers and incentives.

Regards,

Mark and Sara Shotton
808 Palaro Drive
Encinitas, CA 92024

43-6

Comment Summary:

The commenter asks that the City deny the waiver requested by the applicant to avoid the requirement to underground utilities, as the applicant was aware of “the rules, site’s constraints, and cost of developing prior to getting involved with the property.”

Response:

Refer to Master Response 4.

43-7

Comment Summary:

The commenter asserts that parking within the existing neighborhood is already an issue without the addition of the project, particularly along Caudor Street to Palaro Drive. The commenter asserts that “the new parking ordinance should not dictate additional parking” and that parking should not be the same for the low income units as for the remainder of the market rate units. The commenter asks how the City will prevent project residents from utilizing neighborhood streets for overnight parking.

Response:

Refer to Master Response 1.

43-8

Comment Summary:

The commenter notes concern regarding existing safety issues near Capri Elementary School and roads in its vicinity, as well as the lack of improvements proposed to address the increase in pedestrian and vehicular traffic at and near the school.

Response:

Refer to Master Response 1.

- **Underground the Utilities:** Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass!
- **Parking is severely lacking.** Parking is already an issue in this part of the neighborhood! We constantly have cars jammed along Caudor Street to Palaro Drive because of many of the ADU's that do not have enough parking in their driveways. Also, the new parking ordinance should not dictate additional parking since 90% of the houses should not be allowed to have the same ordinance as the low income ones. How will you prevent PP residents from invading the neighboring streets for over-night parking? IT IS ALREADY HAPPENING!
- Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular.

43-6

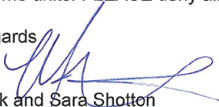
43-7

43-8

43-9

I would like the above to be well documented because of how un-safe these roads already are! I have my family of four drivers that go up and down this road everyday and will pursue legal actions if the city and state allow this bogus plan of 10% housing to go into this neighborhood that already has traffic and parking issues. Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. PLEASE deny all the waivers and incentives.

Regards,


Mark and Sara Shotton
808 Palaro Drive
Encinitas, CA 92024

43-9

Comment Summary:

The commenter expresses their opposition to the proposed project due to unsafe roadway conditions and traffic; a lack of compatibility with the neighborhood, Scenic Visual Corridor, and Gateway to the City; and traffic and parking issues. The commenter threatens legal action against the City if the City "allows" the project at the proposed location.

Response:

This comment is in conclusion and summarizes concerns previously raised by the commenter, as addressed above.

Preface and Responses to Comments

From: Kristen Smith <kristen-jordan@cox.net>
Sent: Monday, February 6, 2023 11:47 AM
To: Nick Koutoufidis
Cc: Allison Blackwell
Subject: Piraeus Point Environmental Impact Report - Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

PLEASE ACKNOWLEDGE RECEIPT BY RETURN EMAIL.

TO: Nick Koutoufidis
Development Services Department
505 South Vulcan Avenue
Encinitas, CA 92024

CC: Allison Blackwell, Council Member – District 1

Mr. Koutoufidis,
I have serious concerns about various findings in the EIR pertaining to the proposed Piraeus Point development.

Transportation:

1. The proposed project will result in a significant increase in traffic along Piraeus, which is the only means of ingress and egress into the site.
2. Piraeus is a two lane road and is a major means of passage during emergency situations, e.g. fires.
3. Piraeus, near La Costa, will flood after heavy storms and storm runoff. Drainage in that area is poor and traffic is impacted. Since the site will be affected, what improvements are planned for the drainage in this area?
4. Piraeus needs serious traffic and safety improvements – for pedestrians, bicycle traffic and vehicles
 - a. A three-way stop sign is needed at Piraeus and Olympus, which is the site of Olympus community park.
 - b. A three-way stop is needed at Piraeus and Normandy. Piraeus is the main access road connecting to the I-5 North at Leucadia Blvd. from the surrounding neighborhood. Normandy is also a connecting road to the I-5 South at Leucadia Blvd. At the present, vehicles are making reckless, high speed turns from Piraeus onto Normandy. As a result it has become very dangerous for vehicles exiting or entering the Weidner’s Gardens parking lot and for vehicles pulling out of residential driveways on Normandy.
 - c. The current speed limit on Piraeus 45 mph. For the above reasons, the speed limit should be reduced.
 - d. Currently, Piraeus is too narrow and unsafe to accommodate vehicle, bicycle and pedestrian traffic. Since the opening of Olympus Park, traffic and parking are real concerns. Sidewalks are needed along Piraeus to accommodate pedestrian traffic to the park.
 - e. There should be NO parking on Piraeus from La Costa to Leucadia Blvd. During the construction of the proposed project, there will be limited to No parking areas for construction vehicles except for Piraeus, except for Piraeus and the narrow surrounding neighborhood streets. How will this be addressed by the developer?

44-1

44-2

44-3

44-4

44-5

44 Kristen Smith

44-1

Comment Summary:

The commenter indicates that they have concerns regarding the various findings of the EIR.

Response:

This comment is introductory and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

44-2

Comment Summary:

The commenter indicates that traffic along Piraeus Street, which serves as the only means of ingress/egress to/from the site, would substantially increase as a result of the proposed project.

Response:

Please refer to Master Response 1.

44-3

Comment Summary:

The commenter notes that Piraeus Street is a 2-lane road and is a major means of passage during emergency situations.

Response:

This comment is an introduction and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

44-4

Comment Summary:

The commenter notes that the drainage near Piraeus Street is poor and that this area will flood following heavy storms. The commenter asks for information regarding improvements planned for drainage in the area.

From: Kristen Smith <kristen-jordan@cox.net>
Sent: Monday, February 6, 2023 11:47 AM
To: Nick Koutoufidis
Cc: Allison Blackwell
Subject: Piraeus Point Environmental Impact Report - Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

PLEASE ACKNOWLEDGE RECEIPT BY RETURN EMAIL.

TO: Nick Koutoufidis
Development Services Department
505 South Vulcan Avenue
Encinitas, CA 92024

CC: Allison Blackwell, Council Member – District 1

Mr. Koutoufidis,
I have serious concerns about various findings in the EIR pertaining to the proposed Piraeus Point development.

Transportation:

1. The proposed project will result in a significant increase in traffic along Piraeus, which is the only means of ingress and egress into the site.
2. Piraeus is a two lane road and is a major means of passage during emergency situations, e.g. fires.
3. Piraeus, near La Costa, will flood after heavy storms and storm runoff. Drainage in that area is poor and traffic is impacted. Since the site will be affected, what improvements are planned for the drainage in this area?
4. Piraeus needs serious traffic and safety improvements – for pedestrians, bicycle traffic and vehicles
 - a. A three-way stop sign is needed at Piraeus and Olympus, which is the site of Olympus community park.
 - b. A three-way stop is needed at Piraeus and Normandy. Piraeus is the main access road connecting to the I-5 North at Leucadia Blvd. from the surrounding neighborhood. Normandy is also a connecting road to the I-5 South at Leucadia Blvd. At the present, vehicles are making reckless, high speed turns from Piraeus onto Normandy. As a result it has become very dangerous for vehicles exiting or entering the Weidner’s Gardens parking lot and for vehicles pulling out of residential driveways on Normandy.
 - c. The current speed limit on Piraeus 45 mph. For the above reasons, the speed limit should be reduced.
 - d. Currently, Piraeus is too narrow and unsafe to accommodate vehicle, bicycle and pedestrian traffic. Since the opening of Olympus Park, traffic and parking are real concerns. Sidewalks are needed along Piraeus to accommodate pedestrian traffic to the park.
 - e. There should be NO parking on Piraeus from La Costa to Leucadia Blvd. During the construction of the proposed project, there will be limited to No parking areas for construction vehicles except for Piraeus, except for Piraeus and the narrow surrounding neighborhood streets. How will this be addressed by the developer?

44-1

44-2

44-3

44-4

44-5

Response:

Potential impacts to hydrology associated with the proposed project are adequately analyzed in Section 3.8, Hydrology and Water Quality, of the EIR. Following project construction, runoff from the majority of the site would flow to the proposed onsite storm drain system and be conveyed to the south to a proposed biofiltration basin located adjacent to Plato Place. Once the runoff is treated and stored, it would be discharged into the existing storm drain system near the very southwestern corner of the proposed project site. Runoff generated from the (generally) northernmost and western portions of the proposed project site would primarily sheet flow west towards Piraeus Street where it would be collected in a concrete ditch and discharged into an existing headwall in proximity to the northwest corner of the proposed project site.

The project proposes use of a biofiltration basin to meet the treatment and flow control requirements listed in the City of Encinitas Best Management Practices (BMP) Manual for post-construction BMPs. As shown in the *Preliminary Hydrology Study* prepared for the proposed project (Appendix I-1 of the EIR), the unmitigated peak flow from the proposed onsite drainage areas would exceed or be equivalent to flows under existing conditions. To reduce flow rates, the project design includes an onsite biofiltration basin that would provide stormwater pollutant control to meet the requirements of the San Diego RWQCB municipal stormwater permit and City Stormwater standards. The biofiltration basin would also provide mitigation for the 6-hour, 100-year storm event peak discharge. Post-development flows for all proposed onsite drainage areas would be reduced as compared to pre-development conditions.

44-5

Comment Summary:

The commenter summarizes various traffic and safety improvements that they feel should be implemented on Piraeus Street. The commenter indicates that parking will be limited or not available during construction of the project except along Piraeus Street and surrounding streets and asks how the applicant will address this.

Preface and Responses to Comments

f. With the projected increase in traffic from this project, Piraeus at Leucadia Blvd should be redesigned to allow two-way traffic onto Leucadia Blvd. When that occurs, the above improvements to Piraeus will be greatly needed. 44-5 cont'd

g. The proposed project has ONE driveway for ingress and egress to/from Piraeus. This will pose significant challenges for residents and travel along Piraeus, especially during morning and afternoon "rush hours". Right turns out of the project will almost be almost mandatory. What are the plans to improve the access onto La Costa from Piraeus with the increased traffic (e.g. left and right turn lanes on Piraeus)? 44-6

h. The proposed project is not situated within walkable distances to public transportation and major employment areas. Therefore, residents will be dependent upon the use of their vehicles (or bicycles) for primary transportation. This seems to be contrary to the City's desire to provide housing that is easily accessible to public transportation and employment. 44-7

Wildfire Risk:

1. What protections will be in place or added to mitigate the risk of wildfires in the surrounding brush areas? How will that be maintained in perpetuity following the completion of construction? 44-8
2. Recently, property insurance carriers have deemed some areas in California with wildfire risk as uninsurable. If such is the case for the subject development, this would impact the homeowners' association, the buyers and their mortgage lenders and the overall affordability of the homes. 44-9
3. The developer should be required to bury all utility lines underground for aesthetics and wildfire prevention. 44-10

The City of Encinitas is committed to increase housing, especially affordable housing. However, it has failed to recognize and plan for the infrastructure improvements needed to support our current level of explosive growth. It is irresponsible for the City to approve new projects, such as this one, without providing the additional road improvements and transportation enhancements (for pedestrians, cyclists and vehicles) that are necessary. Several months ago, then-Council member Kranz remarked that while the City's budget for road and traffic improvements is limited, the City always looks to new developments and developer fees to assist with those outlays. The developer should be required to finance the needed infrastructure improvements around the proposed development and the City be prepared to supplement the work needed to bring the infrastructure up to safe standards. 44-11

Thank you for your time and consideration.

Kristen L. Smith
Normandy Road

Response:
Please refer to Master Response 1.

It is anticipated that all vehicles and construction equipment would be staged onsite and therefore off of adjacent public roadways.

44-6

Comment Summary:

The commenter feels that providing one driveway for ingress and egress to/from Piraeus Street will create challenges for residents especially during rush hours. The commenter asks for plans to improve access to La Costa Avenue from Piraeus Street due to increased traffic.

Response:

Please refer to Master Response 1. The project as designed is subject to City discretionary review to ensure compliance with applicable City engineering design standards for ingress/egress. It is not anticipated (and is speculative) that vehicles associated with the development would cause substantial congestion or queueing on Piraeus street when entering/exiting. The project as designed would be adequate to accommodate vehicles accessing the site. No offsite roadway or intersection improvements as a result of project traffic are required or proposed.

44-7

Comment Summary:

The commenter states that the project site is not within walking distance of public transit or major employment areas. The commenter indicates that the proposed project is contrary to the City's goal to implement new housing that provides easy access to public transportation and employment.

Response:

The comments provided do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. The City will determine project consistency with the General Plan when determining whether or not to approve to project.

f. With the projected increase in traffic from this project, Piraeus at Leucadia Blvd should be redesigned to allow two-way traffic onto Leucadia Blvd. When that occurs, the above improvements to Piraeus will be greatly needed. 44-5 cont'd

g. The proposed project has ONE driveway for ingress and egress to/from Piraeus. This will pose significant challenges for residents and travel along Piraeus, especially during morning and afternoon "rush hours". Right turns out of the project will almost be almost mandatory. What are the plans to improve the access onto La Costa from Piraeus with the increased traffic (e.g. left and right turn lanes on Piraeus)? 44-6

h. The proposed project is not situated within walkable distances to public transportation and major employment areas. Therefore, residents will be dependent upon the use of their vehicles (or bicycles) for primary transportation. This seems to be contrary to the City's desire to provide housing that is easily accessible to public transportation and employment. 44-7

Wildfire Risk:

1. What protections will be in place or added to mitigate the risk of wildfires in the surrounding brush areas? How will that be maintained in perpetuity following the completion of construction? 44-8
2. Recently, property insurance carriers have deemed some areas in California with wildfire risk as uninsurable. If such is the case for the subject development, this would impact the homeowners' association, the buyers and their mortgage lenders and the overall affordability of the homes. 44-9
3. The developer should be required to bury all utility lines underground for aesthetics and wildfire prevention. 44-10

The City of Encinitas is committed to increase housing, especially affordable housing. However, it has failed to recognize and plan for the infrastructure improvements needed to support our current level of explosive growth. It is irresponsible for the City to approve new projects, such as this one, without providing the additional road improvements and transportation enhancements (for pedestrians, cyclists and vehicles) that are necessary. Several months ago, then-Council member Kranz remarked that while the City's budget for road and traffic improvements is limited, the City always looks to new developments and developer fees to assist with those outlays. The developer should be required to finance the needed infrastructure improvements around the proposed development and the City be prepared to supplement the work needed to bring the infrastructure up to safe standards. 44-11

Thank you for your time and consideration.

Kristen L. Smith
Normandy Road

44-8

Comment Summary:

The commenter asks how the risk of wildfires will be mitigated surrounding brush areas and how this will be maintained following construction.

Response:

Potential impacts of the proposed project relative to wildfire are adequately analyzed in Section 3.15, Wildfire, of the EIR. As disclosed in the EIR, the project would implement mitigation measure WF-1, Fire Protection Plan, to ensure that fuel modification zones are in place and properly maintained over the long term. The HOA would be responsible for ongoing fuel maintenance and the site would be subject to periodic inspection by the City to ensure compliance.

44-9

Comment Summary:

The commenter indicates that if the proposed project is deemed insurable due to wildfire risk, this would impact the homeowners' association, buyers, and mortgage lenders and the affordability of the residences.

Response:

The comments provided do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

44-10

Comment Summary:

The commenter feels that all utility lines should be undergrounded for aesthetics and wildfire prevention.

Response:

Refer to Master Response 4.

Preface and Responses to Comments

- f. With the projected increase in traffic from this project, Piraeus at Leucadia Blvd should be redesigned to allow two-way traffic onto Leucadia Blvd. When that occurs, the above improvements to Piraeus will be greatly needed. 44-5 cont'd
 - g. The proposed project has ONE driveway for ingress and egress to/from Piraeus. This will pose significant challenges for residents and travel along Piraeus, especially during morning and afternoon "rush hours". Right turns out of the project will almost be almost mandatory. What are the plans to improve the access onto La Costa from Piraeus with the increased traffic (e.g. left and right turn lanes on Piraeus)? 44-6
 - h. The proposed project is not situated within walkable distances to public transportation and major employment areas. Therefore, residents will be dependent upon the use of their vehicles (or bicycles) for primary transportation. This seems to be contrary to the City's desire to provide housing that is easily accessible to public transportation and employment. 44-7
- Wildfire Risk:
- 1. What protections will be in place or added to mitigate the risk of wildfires in the surrounding brush areas? How will that be maintained in perpetuity following the completion of construction? 44-8
 - 2. Recently, property insurance carriers have deemed some areas in California with wildfire risk as uninsurable. If such is the case for the subject development, this would impact the homeowners' association, the buyers and their mortgage lenders and the overall affordability of the homes. 44-9
 - 3. The developer should be required to bury all utility lines underground for aesthetics and wildfire prevention. 44-10
- The City of Encinitas is committed to increase housing, especially affordable housing. However, it has failed to recognize and plan for the infrastructure improvements needed to support our current level of explosive growth. It is irresponsible for the City to approve new projects, such as this one, without providing the additional road improvements and transportation enhancements (for pedestrians, cyclists and vehicles) that are necessary. Several months ago, then-Council member Kranz remarked that while the City's budget for road and traffic improvements is limited, the City always looks to new developments and developer fees to assist with those outlays. The developer should be required to finance the needed infrastructure improvements around the proposed development and the City be prepared to supplement the work needed to bring the infrastructure up to safe standards. 44-11
- Thank you for your time and consideration.
- Kristen L. Smith**
Normandy Road

44-11

Comment Summary:

The commenter feels that the City should provide necessary additional road improvements and transportation enhancements when approving new projects, such as the proposed project, due to the level of growth in the area. The commenter feels that the applicant should be required to finance such improvements in the vicinity of the proposed project and that the City should supplement such work needed to improve infrastructure.

Response:

Refer to Master Response 1. The project would result in the construction of 149 residential townhomes. According to the City's General Plan Housing Element Update, the subject site could be developed with up to 206 base residential units (without application of a Density Bonus). Therefore, the project would be consistent with future development as identified in the Housing Element Update and it is not anticipated that the project would create a significant new demand on existing transportation facilities, either locally or on a regional level, due to the limited project scale. Similar to other cumulative projects considered, the project would be subject to payment of the City's transportation impact fees to ensure that area transportation facilities are adequately maintained over the long term.

Peter and Susan Soland
1081 Normandy Hill Lane
Leucadia, CA 92024
212-555-0199

Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
760.633.2692

February 5, 2023

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Mr Koutoufidis and Whom It May Concern,

My wife and I have lived in Leucadia for over 25 years, less than a mile south of the planned Piraeus Point development. We are not against development but we are against over development. During our time here we have seen many nurseries replaced with single family homes, all done with consideration for the neighborhoods in which they are built. Rezoning to allow high density projects destroys our town.

With that said we do have concerns that several Key Policy requirements in the Encinitas General Plan Piraeus Point may be in violation.

2.1.2. Prevent the urbanization of our small town character and maintain the individual character of our five unique communities.

Why are you so intent on destroying the small town character of this area? Please do say it is to meet the requirements of the Affordable Housing Act. This has nothing to do with affordable housing. Dozens and dozens of cities and towns across this state, that love their towns the way they are, have fought against this act and refuse to blindly give in.

2.1.3. Ensure infrastructure and public benefits, such as schools, parks, roads, sewer, and water facilities, are adequately planned and funded prior to approving any increase in zoning.

The single family residential zoning of northeast Leucadia was established because the infrastructure in this area cannot High density housing projects.

Do you have traffic studies for the neighborhood streets? Not taken during the last 2 years when everyone was at home.

Do you traffic studies on the neighborhood streets heading to Capri Elementary when children are being dropped off and picked up?

Do you have traffic studies that take in account both Piraeus Point and the 250 unit Fox Farm development at Leucadia Blvd and Quail Gardens Drive? Both of these developments are in the Capri Elementary district, all feeding down very small neighborhood streets.

45-1

45-2

45-3

45 Peter and Susan Soland

45-1

Comment Summary:

The commenters indicate that they have resided in Leucadia for over 25 years and live less than one mile from the project site. They express opposition to overdevelopment in the City and feel that the project site may violate several policies of the General Plan.

Response:

The comments provided are introductory and do not specify how the project would be in conflict with the General Plan. Refer to subsequent comments below for additional discussion.

45-2

Comment Summary:

The commenters provide language from the General Plan and assert that the City is intent on destroying the small town character of the area in order to comply with the Affordable Housing Act.

Response:

Please refer to Master Response 4. The project has been designed in conformance with applicable local design regulations and is consistent with the existing zoning and General Plan designations and density allowances. Provision of the very low income housing units proposed with the project, as well as how future residents qualify for such housing, would occur in accordance with applicable housing laws regulating such uses. It should be noted that the City will evaluate the project for consistency with the General Plan goals and policies in considering whether to approve the project as proposed.

The commenter does not raise an environmental issue relative to the provisions of CEQA, nor question the adequacy of the EIR. No further response is required.

Peter and Susan Soland
1081 Normandy Hill Lane
Leucadia, CA 92024
212-555-0199

Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
760.633.2692

February 5, 2023

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Mr Koutoufidis and Whom It May Concern,

My wife and I have lived in Leucadia for over 25 years, less than a mile south of the planned Piraeus Point development. We are not against development but we are against over development. During our time here we have seen many nurseries replaced with single family homes, all done with consideration for the neighborhoods in which they are built. Rezoning to allow high density projects destroys our town.

45-1

With that said we do have concerns that several Key Policy requirements in the Encinitas General Plan Piraeus Point may be in violation.

2.1.2 . Prevent the urbanization of our small town character and maintain the individual character of our five unique communities.

45-2

Why are you so intent on destroying the small town character of this area? Please do say it is to meet the requirements of the Affordable Housing Act. This has nothing to do with affordable housing. Dozens and dozens of cities and towns across this state, that love their towns the way they are, have fought against this act and refuse to blindly give in.

2 . 1. 3. Ensure infrastructure and public benefits, such as schools, parks, roads, sewer, and water facilities, are adequately planned and funded prior to approving any increase in zoning.

45-3

The single family residential zoning of northeast Leucadia was established because the infrastructure in this area cannot High density housing projects.
Do you have traffic studies for the neighborhood streets? Not taken during the last 2 years when everyone was at home.
Do you traffic studies on the neighborhood streets heading to Capri Elementary when children are being dropped off and picked up?
Do you have traffic studies that take in account both Piraeus Point and the 250 unit Fox Farm development at Leucadia Blvd and Quail Gardens Drive? Both of these developments are in the Capri Elementary district, all feeding down very small neighborhood streets.

45-3

Comment Summary:

The commenters provide language from the General Plan and state that the infrastructure in the project area is unable to accommodate high density housing projects. The commenters also question the methodologies of the traffic studies conducted for nearby streets and when traffic counts were taken, including relative to peak traffic periods at Capri Elementary. The commenter also questions whether another area project was considered in evaluating traffic for the proposed project relative to school attendance and related traffic.

Response:

As described EIR Section 3.11, Utilities and Public Services, the project would have a less than significant impact on public services, including fire protection, police protection, schools, and other public facilities, as the project would not result in the need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives, the construction of which could cause significant environmental impacts. Similarly, as described in Section 3.14 of the EIR, the proposed project would have a less than significant impact on utilities and service systems. The infrastructure in the project area is therefore sufficient to support the project at the density proposed.

Please refer to Master Response 1. The project’s contribution to local traffic was evaluated in the Local Transportation Analysis (LTA) prepared for the project (Intersecting Metrics 2022). The study area considered included local streets where project-generated traffic would likely be distributed, including streets in the vicinity of Capri Elementary.

Based on the analysis provided in the LTA, the project would not have a substantial effect on the operation of any roadways or intersections within the study area identified under the Existing with Project, Near-Term with Project, and Future Year 2035 with Project scenarios. Therefore, no additional roadway or intersection improvements are needed with project implementation to alleviate the project’s contribution of vehicular traffic on the local circulation system.

The streets throughout the neighborhood, from the Piraeus Point project to Capri Elementary, do not have sidewalks. Children from the ages of 5 to 11 will be walking and riding their bikes to school sharing the road with automobiles. This is a severe safety concern. You are now aware of it and the city is responsible for creating the situation and assuming the liability if someone were to get injured. It is not right having our children not feel safe on their way to school.

45-4

2 . 1. 4. *Preserve our community's zoning and property rights in perpetuity, if we so choose.*

45-5

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. (Coastal Act/30250)*

Warm Regards,



5 FEB 2023



5 Feb 2023

Peter and Susan Soland

Traffic counts for the LTA were taken in February 2022. The LTA did include the Fox Point Farms project in the evaluation of cumulative effects.

45-4

Comment Summary:

The commenters express safety concerns for students walking and riding their bikes to Capri Elementary School due to the lack of sidewalks.

Response:

Please refer to Master Response 1.

45-5

Comment Summary:

The commenters provide policy language from the General Plan pertaining to zoning and property rights, in addition to managed growth.

Response:

This commenters do not provide any discussion on specific issues of concern relative to the goal and policy identified. The comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

Project Name: PIRAEUS POINT
Case Number: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022;SUB-005159-2022;SOB-005391-2022 (CA State Clearinghouse no. 2022050516)
Applicant: Lennar Homes of CA, LLC
To: Nick Koutoufidis
Development Services Department
City of Encinitas

Listed below are my concerns for Lennar’s Piraeus Point project based on the EIR report.

3.9 LAND USE AND PLANNING AND 3.12 TRANSPORTATION

- **Concessions** – Lennar’s requests to eliminate the City’s undergrounding utilities requirement for existing overhead utilities, pursuant to Encinitas Municipal Code Section 23.36.120. “Undergrounding would be substantial improvement costs, and the cost savings associated with this waiver would enable the project to instead provide for deed-restricted affordable housing on-site.” *Can they quantify that?* Isn’t the Bonus Density a “bonus” to enable builders to build low income units, and be assured of sufficient profit?
- **Waiver** – Lennar’s Project requires a waiver as the project exceeds allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030. Project requires approx. 40% encroachment into steep slopes. “Without City approval the project footprint would be substantially reduced, thereby impacting the project’s ability to provide for deed-restricted affordable housing on-site.” The waiver “would allow for the development of more affordable housing units on-site.” *Again, can Lennar quantify that?* How many more units or how many less? Only 15 units out of 149 are affordable housing units. Originally the City stated they would require 25% affordable units.
- **Street Vacation** - Lennar also requests a street vacation for land, which they already included in the plan, assuming the City would approve. Lennar is asking for approval of vacating approximately 0.96 acres along Piraeus and Plato. Part of that space is necessary for ingress and egress. But they are asking for all of that space the City and citizens own for landscaping. I see that as another concession or bonus, if the City approves.
- Lennar wants a concession to avoid undergrounding utilities, existing overhead, **so they can afford building 10% affordable housing units**; Lennar also wants a waiver for 40% encroachment, **so they can build on steep slopes, and therefore build 15 affordable housing units**; Also Lennar did not put the required landscaping along Piraeus and Plato on project site, but is asking the City to vacate the land, so they could use every inch of that portion of Cannon Property, to build as many units as possible, and **afford to build those affordable units**. That is a lot to expect from the City and citizens, especially for only 10% affordable units! Lennar needs to come up with a better plan.
- The City has adopted its *Let’s Move Encinitas! Pedestrian Travel and Safe Routes to School Plan* on March 2015 to facilitate **safe biking and walking within the 2-mile area vicinity**. Is adding an estimated 894 additional ADT’s (3.12-13) providing more safety for children walking

46-1
46-2
46-3
46-4
46-5

46 Diane T. Thompson

46-1

Comment Summary:

The commenter asks that the cost savings associated with the waiver exempting the undergrounding of utilities be quantified.

Response:

CEQA requires an analysis of physical impacts to the environment; it does not require analysis of project costs nor economic impacts. Under CEQA, “[a]n economic or social change by itself shall not be considered a significant effect on the environment” (CEQA Guidelines, Sections 15131 and 15382). Effects analyzed under CEQA must be related to a physical change (CEQA Guidelines, Section 15358(b)). No further response is required.

46-2

Comment Summary:

The commenter asks that the applicant quantify the additional development of affordable housing units that an exceedance of allowable encroachment into steep slopes would allow. The commenter also states that the City previously indicated that 25 percent of the total units proposed would need to be affordable.

Response:

Refer to Master Response 4.

The commenter does not provide the context for the claim regarding the City’s prior request for the applicant to provide 25 percent of the total units as affordable units. The project would adhere to State Density Bonus Law by providing 15 “very low” income units (affordable to households earning no more than 50 percent of the area median income) which represents approximately 10 percent of the overall unit count. While this allows the project to utilize the maximum density bonus (up to a 50 percent increase in unit count), the project is not proposing to utilize Density Bonus Law to increase the unit density onsite.

Project Name: PIRAEUS POINT
Case Number: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; SOB-005391-2022 (CA State Clearinghouse no. 2022050516)
Applicant: Lennar Homes of CA, LLC
To: Nick Koutoufidis
Development Services Department
City of Encinitas

Listed below are my concerns for Lennar’s Piraeus Point project based on the EIR report.

3.9 LAND USE AND PLANNING AND 3.12 TRANSPORTATION

- **Concessions** – Lennar’s requests to eliminate the City’s undergrounding utilities requirement for existing overhead utilities, pursuant to Encinitas Municipal Code Section 23.36.120. “Undergrounding would be substantial improvement costs, and the cost savings associated with this waiver would enable the project to instead provide for deed-restricted affordable housing on-site.” *Can they quantify that?* Isn’t the Bonus Density a “bonus” to enable builders to build low income units, and be assured of sufficient profit?
- **Waiver** – Lennar’s Project requires a waiver as the project exceeds allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030. Project requires approx. 40% encroachment into steep slopes. “Without City approval the project footprint would be substantially reduced, thereby impacting the project’s ability to provide for deed-restricted affordable housing on-site.” The waiver “would allow for the development of more affordable housing units on-site.” *Again, can Lennar quantify that?* How many more units or how many less? Only 15 units out of 149 are affordable housing units. Originally the City stated they would require 25% affordable units.
- **Street Vacation** - Lennar also requests a street vacation for land, which they already included in the plan, assuming the City would approve. Lennar is asking for approval of vacating approximately 0.96 acres along Piraeus and Plato. Part of that space is necessary for ingress and egress. But they are asking for all of that space the City and citizens own for landscaping. I see that as another concession or bonus, if the City approves.
- Lennar wants a concession to avoid undergrounding utilities, existing overhead, **so they can afford building 10% affordable housing units**; Lennar also wants a waiver for 40% encroachment, **so they can build on steep slopes, and therefore build 15 affordable housing units**; Also Lennar did not put the required landscaping along Piraeus and Plato on project site, but is asking the City to vacate the land, so they could use every inch of that portion of Cannon Property, to build as many units as possible, and **afford to build those affordable units**. That is a lot to expect from the City and citizens, especially for only 10% affordable units! Lennar needs to come up with a better plan.
- The City has adopted its *Let’s Move Encinitas! Pedestrian Travel and Safe Routes to School Plan* on March 2015 to facilitate **safe biking and walking within the 2-mile area vicinity**. Is adding an estimated 894 additional ADT’s (3.12-13) providing more safety for children walking

46-1

46-2

46-3

46-4

46-5

46-3

Comment Summary:

The commenter mentions the street vacation proposed as part of the project. The commenter believes that part of the vacated area is important for ingress and egress and feels that the proposed street vacation qualifies as an additional concession or bonus.

Response:

With City approval, an approximately 0.25 acre area of Plato Place and 0.71 acres along Piraeus Street, adjacent to the project boundary, would be vacated. With approval of the vacation, approximately 0.96 acres would be added to the total (gross) acreage of the project site. The vacation requires discretionary action by the City and is not related to State Housing Density Law pertaining to the provision of affordable housing (as are the noted waivers and concessions). This comment does not raise an environmental concern relative to CEQA, nor does it address the adequacy of the EIR. No further response is required.

46-4

Comment Summary:

The commenter feels that the applicants requested waiver and incentive are “a lot to expect from the City and citizens,” especially given the number of affordable units is limited to 15 units, or 10 percent.

Response:

Refer to Master Response 4.

46-5

Comment Summary:

The commenter questions if the additional average daily vehicle trips would provide greater safety for children, as it applies to goals of the 2015 *Let’s Move Encinitas! Pedestrian Travel and Safe Routes to School Plan*. The commenter questions how children will travel to school safely.

Response:

Please refer to Master Response 1.

or biking to Capri Elementary School or to the Olympus Park and Playground from the Piraeus project? (3.12-12) The City’s plan focuses on implementing traffic improvement near schools to encourage students to walk or bike to school. What is the plan for this project? How will the children get to school safely?

46-5
cont'd

- Following the SANDAG 2022 *Brief Guide to Vehicular Trip Generation in the San Diego Region Table 3.12-2* “the project would conflict and be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **Impacts would be significant and unavoidable.**)”
- **The proposed residential uses are anticipated to generate a VMT/capita of 23.7 miles, which exceeds the 85 Percent significant threshold of 16.1 miles by 7.6 miles. (3.12.13)** This is unacceptable, not unavoidable. This should not go well with SANDAG.
- Lennar states it will implement a Transportation Demand Management Program (TDM). What does this consist of? 1. “Implement Electric Bikeshare Program” working with the City. 2. Provide Community Based Travel Planning. What is that? Lennar is passing that on to the **HOA to provide residents with information of transit schedules.** The nearest bus stop is over 1 mile away and the Coaster station is over 2.5 miles, almost an hour’s walk, mostly with no sidewalks. **What other alternative modes of transportation does Lennar have to offer? Currently, there aren’t any other transportation modes.**
- **TDM plan assumes vehicle reductions, an increase of alternative travel modes, and better traffic management. Lennar shows no evidence of a realistic plan for these outcomes.**
- Lennar’s plan for parking spaces is 42% fewer than the minimum number normally required by Encinitas Municipal Code 30.554.030, a deficit of 109 spaces. A total of only 271 parking spaces are proposed with 246 private garage spaces and only 25 additional outdoor parking spaces for residents and guests. Those 271 spaces divide into 1.8 parking spaces per unit! Most likely there will be a minimum of 300 cars, allotting 2 per unit. Where will the other cars park?! Where do guests park? Parking is not allowed on Piraeus where there are existing bike lanes. Lennar needs to provide space for ALL the cars of residents and guests.
- There is a lot of talk about alternative travel modes. There are no biking lanes in the surrounding neighborhoods of the project with the exception of Piraeus, and there aren’t any sidewalks on Piraeus or connecting streets! There are only narrow and curvy roads in the surrounding area except for La Costa Avenue, which has four 55-miles per hour lanes, and does not have a pedestrian crossing.

46-6

46-7

46-8

46-9

46-10

All these concerns need to be and can be addressed by the City. They are unacceptable, not unavoidable. The City has the responsibility and the power to fix these egregious parts of Lennar’s Piraeus Point plan, and to create a more realistic and safe environment for all residents.

Respectfully submitted:

Diane T. Thompson, 1615 Caudor Street, Encinitas, CA 92024. dianethompson@cox.net

DTW

Page 2 of 2

6 Feb 23

46-6

Comment Summary:

The commenter feels that the significant VMT-related impacts associated with the project, as discussed in the EIR, are unacceptable, not avoidable.

Response:

Please refer to Response 12A-1 for a full analysis describing why impacts relative to transportation would be significant and unavoidable.

46-7

Comment Summary:

The commenter requests additional information regarding the proposed TDM program and asks for other alternative modes of transportation that the applicant could offer. The commenter asserts that the applicant does not provide a realistic plan to achieve vehicle reductions, an increase of alternative travel models, and better traffic management.

Response:

Refer to EIR Appendix K and EIR Section 3.12, Transportation, for a more detailed discussion. EIR Table 3.12-4, TDM Reduction Calculation, provides a description of each available TDM measure available for use and an evaluation as to whether it would be feasible for the project to implement such a measure. As explained, only the 2 TDMs referenced by the commenter were determined to be feasible, largely due to the project location and lack of access to existing public transit in the area.

The project would provide approximately 1,100 linear feet of new sidewalk along the project frontage and would not interfere with existing bike lanes or sidewalks within the project area. Implementation of the proposed electric bike program and new resident information program (for access to public transit) would further encourage resident use of alternative modes of transportation.

or biking to Capri Elementary School or to the Olympus Park and Playground from the Piraeus project? (3.12-12) The City’s plan focuses on implementing traffic improvement near schools to encourage students to walk or bike to school. What is the plan for this project? How will the children get to school safely?

46-5
cont'd

- Following the SANDAG 2022 *Brief Guide to Vehicular Trip Generation in the San Diego Region Table 3.12-2* “the project would conflict and be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **Impacts would be significant and unavoidable.**)”
- **The proposed residential uses are anticipated to generate a VMT/capita of 23.7 miles, which exceeds the 85 Percent significant threshold of 16.1 miles by 7.6 miles. (3.12.13)** This is unacceptable, not unavoidable. This should not go well with SANDAG.
- Lennar states it will implement a Transportation Demand Management Program (TDM). What does this consist of? 1. “Implement Electric Bikeshare Program” working with the City. 2. Provide Community Based Travel Planning. What is that? Lennar is passing that on to the **HOA to provide residents with information of transit schedules.** The nearest bus stop is over 1 mile away and the Coaster station is over 2.5 miles, almost an hour’s walk, mostly with no sidewalks. **What other alternative modes of transportation does Lennar have to offer? Currently, there aren’t any other transportation modes.**
- **TDM plan assumes vehicle reductions, an increase of alternative travel modes, and better traffic management. Lennar shows no evidence of a realistic plan for these outcomes.**
- Lennar’s plan for parking spaces is 42% fewer than the minimum number normally required by Encinitas Municipal Code 30.554.030, a deficit of 109 spaces. A total of only 271 parking spaces are proposed with 246 private garage spaces and only 25 additional outdoor parking spaces for residents and guests. Those 271 spaces divide into 1.8 parking spaces per unit! Most likely there will be a minimum of 300 cars, allotting 2 per unit. Where will the other cars park?! Where do guests park? Parking is not allowed on Piraeus where there are existing bike lanes. Lennar needs to provide space for ALL the cars of residents and guests.
- There is a lot of talk about alternative travel modes. There are no biking lanes in the surrounding neighborhoods of the project with the exception of Piraeus, and there aren’t any sidewalks on Piraeus or connecting streets! There are only narrow and curvy roads in the surrounding area except for La Costa Avenue, which has four 55-miles per hour lanes, and does not have a pedestrian crossing.

46-6

46-7

46-8

46-9

46-10

All these concerns need to be and can be addressed by the City. They are unacceptable, not unavoidable. The City has the responsibility and the power to fix these egregious parts of Lennar’s Piraeus Point plan, and to create a more realistic and safe environment for all residents.

Respectfully submitted:

Diane T. Thompson, 1615 Caudor Street, Encinitas, CA 92024. dianethompson@cox.net

DTW

Page 2 of 2

6 Feb 23

46-8

Comment Summary:

The commenter questions the amount of onsite parking being provided with the proposed project, suggesting that the project is under-parked. The commenter asks where guests would park and notes that parking is prohibited on Piraeus Street where there are existing bike lanes.

Response:

Please refer to Master Response 1.

46-9

Comment Summary:

The commenter notes the lack of bike lanes and sidewalks in the vicinity of the project as this relates to discussions on alternative travel modes. The commenter also notes that many of the roads in the area are “narrow and curvy,” with exception of La Costa Avenue.

Response:

Please refer to Master Response 1.

46-10

Comment Summary:

The commenter states that their concerns must be addressed by the City and that the concerns noted are unacceptable, not unavoidable. The commenter states that the plans for the proposed project should be revised.

Response:

The comments provided are made in summary and do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

February 2, 2023

47 Marilyn Trax

47-1

Comment Summary:

The commenter notes that the project would construct approximately 1,100 feet of sidewalk up Plato Place to Caudor Street. The commenter expresses concerns regarding the ability of children to safely walk to school due to the increase in cars that would utilize Plato Place to drive children to school. The commenter asks if the City has considered implementing a crosswalk with warning signals and the corner of Plato Place.

Response:

Please refer to Master Response 1. The project would construct approximately 1,100 linear feet of sidewalk along the project frontage on Piraeus Street and Plato Place. Connection to an existing sidewalk system is not feasible, due to the lack of sidewalks within the surrounding neighborhood.

At this time, installation of a crosswalk with warning signals is not being contemplated. However, the City will consider the comments provided in evaluating whether to approve the project.

47-2

Comment Summary:

The commenter expresses concerns regarding increased traffic congestion on narrow roads in the neighborhood, particularly during school pick up and drop off times. The commenter feels that the increase in traffic congestion could impact emergency services. The commenter also indicates that project residents would need to own cars, due to the lack of public transportation in the area, and feels that it would not be helpful to have electric bikes.

Response:

Please refer to Master Response 1. As evaluated in EIR Section 3.7, Hazards and Hazardous Materials, the project as proposed would not interfere with evacuations in the event of an emergency. Whether or not residents are required to own vehicles for travel to/from the site due to the lack of

Nick Koutoufidis
Development Services Department
City of Encinitas

Dear Sir,

I have some concerns about the Piraeus Point development. I understand there will be an 1,100 foot sidewalk up Plato Pl. to Caudor St. to provide children with a safe walk to school. There are many cars that use Plato Pl. to take children to school. There will be many more from Piraeus Point. Has there been any discussion about putting in a crosswalk with warning signals? This is a difficult corner to cross even when there isn't a lot of traffic. I would hate for the city to wait for a child to be injured to take action.

47-1

Another concern I have is with the number of additional cars there will be in our residential neighborhood with narrow streets. There is already serious congestion before and after school. Although a sidewalk is being provided there will be many parents from Piraeus Point who drive their children to and from school adding to the congestion problem on our narrow streets. This could be a real problem if anyone needs emergency services during high congestion times.

47-2

Most of the 149 new households will have 2 cars. This is a necessity because our neighborhood is a food/service desert. To get any kind of service a car is necessary. It's been acknowledged that no public transportation is available. To suggest that it will be helpful to have electric bikes available is laughable. It sometimes takes 3 series of light signals to get through the signal on La Costa/Piraeus now. What will the impact of all the additional cars be?

47-3

I am in favor of low income housing and am glad to see that some is being created in Encinitas. Will the low income residents have to pay the HOA fee. That could be a budget breaker.

Thank you for reading my letter and considering my concerns.

Marilyn Trax
1563 Caudor St.
Encinitas

February 2, 2023

Nick Koutoufidis
Development Services Department
City of Encinitas

Dear Sir,

I have some concerns about the Piraeus Point development. I understand there will be an 1,100 foot sidewalk up Plato Pl. to Caudor St. to provide children with a safe walk to school. There are many cars that use Plato Pl. to take children to school. There will be many more from Piraeus Point. Has there been any discussion about putting in a crosswalk with warning signals? This is a difficult corner to cross even when there isn't a lot of traffic. I would hate for the city to wait for a child to be injured to take action.

47-1

Another concern I have is with the number of additional cars there will be in our residential neighborhood with narrow streets. There is already serious congestion before and after school. Although a sidewalk is being provided there will be many parents from Piraeus Point who drive their children to and from school adding to the congestion problem on our narrow streets. This could be a real problem if anyone needs emergency services during high congestion times.

47-2

Most of the 149 new households will have 2 cars. This is a necessity because our neighborhood is a food/service desert. To get any kind of service a car is necessary. It's been acknowledged that no public transportation is available. To suggest that it will be helpful to have electric bikes available is laughable. It sometimes takes 3 series of light signals to get through the signal on La Costa/Piraeus now. What will the impact of all the additional cars be?

47-3

I am in favor of low income housing and am glad to see that some is being created in Encinitas. Will the low income residents have to pay the HOA fee. That could be a budget breaker.

Thank you for reading my letter and considering my concerns.

Marilyn Trax
1563 Caudor St.
Encinitas

existing public transit in the area is not an environmental issue of concern relative to CEQA. The City acknowledges the commenter's opinion that resident access to electric bikes would not help to reduce project-related traffic.

47-3

Comment Summary:

The commenter expresses their support for the creation of low-income housing in the City and asks if low-income residents of the project will be required to pay HOA fees.

Response:

The comments provided do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

January 31st, 2023

Nick Koutoufidis
Development Services Dept.
505 South Vulcan
Encinitas, CA 92024

RE: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Dear Nick,

I am writing to express our strong opposition to the project proposed known as Piraeus Point by Lennar Homes. As a resident and homeowner for over 40 years in the small community off of Piraeus Street, I can unequivocally state that a project of this size and scope at this location is patently absurd; the community off Piraeus Street has been, since its inception in the 1940's, a community of small single-family houses. The community infrastructure was built for small single-family houses, and this infrastructure, specifically the roads and lack of sidewalks, cannot be improved to safely or reasonably handle the significant increase in traffic that the Piraeus Point development would bring with it. The Piraeus Point project as designed is calling for an additional 149 townhomes with a total of 271 additional parking spaces; the community off of Piraeus Street and Plato Place is less than 80 houses, and the greater community off of Piraeus Street is less than 200 total houses. The existing infrastructure wasn't built for 4 acres to accommodate 149 houses, not when the existing community has 1 house per half acre or more of property. A nearly doubling of the size of the immediate community is not prudent, safe or sustainable planning and development. The draft EIR ignores this impact. It needs to be addressed.

48-1

As a mother and grandmother, whom grandkids attend elementary school in Encinitas, one of my biggest concerns with Piraeus Point development will be the impact it has on the safety of the students at Capri Elementary. Given that there are no sidewalks in the community our children are required to walk or bike to school on the margins of the residential roads, it is already not ideal situation for our children and the proposed development potential adds nearly double the traffic. Lennar's own study found that the transportation issues arising from the development were significant and not remediable; in fact they would add over 500 cars to roads in the morning and evening periods. How does the 'not remediable' part of the EIR get addressed? The property needs to reassessed and removed from the housing element.

48-2

Furthermore, Piraeus Street is unique in its design in that it has only a single main exit point, La Costa Avenue, while having two main entry points, Leucadia Blvd and La Costa Avenue; southbound traffic on Piraeus Street must then use the residential roads Normandy Rd and Urania Ave in order to access Leucadia Blvd, neither of these residential streets were designed to handle the proposed significant increase in traffic from the Piraeus Point development. How does the EIR address Normandy and Urania? It does not, but it needs to.

48-3

Piraeus Street and Plato Place weren't designed with on-street parking and cannot be expanded, the same goes for all the roads in the immediate community. Given the lack of on-site parking for guests of the proposed development, 25 spots for 149 homes, there will likely be illegal street parking; the city has seen this same issue recently arise from the opening of Olympus Park which is only two blocks south on Piraeus Street of the proposed development. The current illegal parking situation at Olympus Park has created multiple accidents, is generally unsafe and has been a strain on our local police force. What Olympus Park has shown us is that Piraeus Street cannot handle significant amounts of traffic and is unsafe when used for street parking.

48-4

Encinitas should focus on development that is safe for the community. These types of high-density projects should occur where infrastructure is either existing or can be improved to reasonably assure community safety; unfortunately for Lennar Homes that cannot be accomplished with their Piraeus Point proposed development.

48-5

Best Regards,
Mary & Richard Usher
1730 Caudor Street

48 Mary and Richard Usher

48-1

Comment Summary:

The commenters indicate that they have been residents of the community for over 40 years. The commenters feel the existing infrastructure, specifically the roads and sidewalks, was not designed to be able to handle the increase in traffic as a result of project implementation, and such infrastructure cannot be improved adequately to handle these traffic increases. The commenter also questions the proposed density of units, claiming that the local infrastructure was not built to accommodate 149 houses, or a "near doubling of the community," and that the size and scope of the project at the proposed location is not appropriate. The commenters express that these issues were not addressed in the EIR.

Response:

Please refer to Master Responses 1, 2, and 4.

48-2

Comment Summary:

The commenters are concerned that project implementation would exacerbate safety concerns for students walking and biking to Capri Elementary School. The commenters note the significant and "not remediable" transportation impacts identified in the EIR and asks how such impacts can be addressed.

Response:

Please refer to Master Response 1.

As noted in Section 3.12, Transportation, of the EIR, transportation impacts associated with VMT/capita were determined to be significant and unavoidable, unrelated to traffic conditions on local roadways or at intersections. Several TDM measures to reduce VMT would not be appropriate, as implementation is not feasible or cannot be guaranteed. While the project proposes sidewalks along Piraeus Street and Plato Place; includes project design measures to enhance sustainability; would provide for a variety of housing types including very low-income affordable

January 31st, 2023

Nick Koutoufidis
Development Services Dept.
505 South Vulcan
Encinitas, CA 92024

RE: **Piraeus Point**
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Dear Nick,

I am writing to express our strong opposition to the project proposed known as Piraeus Point by Lennar Homes. As a resident and homeowner for over 40 years in the small community off of Piraeus Street, I can unequivocally state that a project of this size and scope at this location is patently absurd; the community off Piraeus Street has been, since its inception in the 1940's, a community of small single-family houses. The community infrastructure was built for small single-family houses, and this infrastructure, specifically the roads and lack of sidewalks, cannot be improved to safely or reasonably handle the significant increase in traffic that the Piraeus Point development would bring with it. The Piraeus Point project as designed is calling for an additional 149 townhomes with a total of 271 additional parking spaces; the community off of Piraeus Street and Plato Place is less than 80 houses, and the greater community off of Piraeus Street is less than 200 total houses. The existing infrastructure wasn't built for 4 acres to accommodate 149 houses, not when the existing community has 1 house per half acre or more of property. A nearly doubling of the size of the immediate community is not prudent, safe or sustainable planning and development. The draft EIR ignores this impact. It needs to be addressed.

48-1

As a mother and grandmother, whom grandkids attend elementary school in Encinitas, one of my biggest concerns with Piraeus Point development will be the impact it has on the safety of the students at Capri Elementary. Given that there are no sidewalks in the community our children are required to walk or bike to school on the margins of the residential roads, it is already not ideal situation for our children and the proposed development potential adds nearly double the traffic. Lennar's own study found that the transportation issues arising from the development were significant and not remediable; in fact they would add over 500 cars to roads in the morning and evening periods. How does the 'not remediable' part of the EIR get addressed? The property needs to be reassessed and removed from the housing element.

48-2

Furthermore, Piraeus Street is unique in its design in that it has only a single main exit point, La Costa Avenue, while having two main entry points, Leucadia Blvd and La Costa Avenue; southbound traffic on Piraeus Street must then use the residential roads Normandy Rd and Urania Ave in order to access Leucadia Blvd, neither of these residential streets were designed to handle the proposed significant increase in traffic from the Piraeus Point development. How does the EIR address Normandy and Urania? It does not, but it needs to.

48-3

Piraeus Street and Plato Place weren't designed with on-street parking and cannot be expanded, the same goes for all the roads in the immediate community. Given the lack of on-site parking for guests of the proposed development, 25 spots for 149 homes, there will likely be illegal street parking; the city has seen this same issue recently arise from the opening of Olympus Park which is only two blocks south on Piraeus Street of the proposed development. The current illegal parking situation at Olympus Park has created multiple accidents, is generally unsafe and has been a strain on our local police force. What Olympus Park has shown us is that Piraeus Street cannot handle significant amounts of traffic and is unsafe when used for street parking.

48-4

Encinitas should focus on development that is safe for the community. These types of high-density projects should occur where infrastructure is either existing or can be improved to reasonably assure community safety; unfortunately for Lennar Homes that cannot be accomplished with their Piraeus Point proposed development.

48-5

Best Regards,
Mary & Richard Usher
1730 Caudor Street

housing; and is consistent with City's General Plan, Local Coastal Program, Climate Action Plan, and SANDAG's The Regional Plan, impacts related to VMT/capita would not be reduced to 85 percent of the regional average, even after incorporation of TDMs as a required condition of project approval. No additional quantifiable VMT-reducing measures that the project could feasibly implement were identified, and therefore, the project's VMT-related impacts would remain significant and unavoidable.

48-3

Comment Summary:

The commenters state that Normandy Road and Urania Avenue would not have the capacity to handle project-generated traffic traveling southbound along Piraeus Street to Leucadia Boulevard. The commenters indicate that the EIR should address this issue.

Response:

Please refer to Master Response 1.

48-4

Comment Summary:

The commenters feel that the project as proposed does not provide an adequate amount of guest parking and, as a result, that it would result in illegal street parking in the vicinity which presents safety concerns.

Response:

Please refer to Master Response 1.

Preface and Responses to Comments

January 31st, 2023

Nick Koutoufidis
Development Services Dept.
505 South Vulcan
Encinitas, CA 92024

RE: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Dear Nick,

I am writing to express our strong opposition to the project proposed known as Piraeus Point by Lennar Homes. As a resident and homeowner for over 40 years in the small community off of Piraeus Street, I can unequivocally state that a project of this size and scope at this location is patently absurd; the community off Piraeus Street has been, since its inception in the 1940's, a community of small single-family houses. The community infrastructure was built for small single-family houses, and this infrastructure, specifically the roads and lack of sidewalks, cannot be improved to safely or reasonably handle the significant increase in traffic that the Piraeus Point development would bring with it. The Piraeus Point project as designed is calling for an additional 149 townhomes with a total of 271 additional parking spaces; the community off of Piraeus Street and Plato Place is less than 80 houses, and the greater community off of Piraeus Street is less than 200 total houses. The existing infrastructure wasn't built for 4 acres to accommodate 149 houses, not when the existing community has 1 house per half acre or more of property. A nearly doubling of the size of the immediate community is not prudent, safe or sustainable planning and development. The draft EIR ignores this impact. It needs to be addressed.

48-1

As a mother and grandmother, whom grandkids attend elementary school in Encinitas, one of my biggest concerns with Piraeus Point development will be the impact it has on the safety of the students at Capri Elementary. Given that there are no sidewalks in the community our children are required to walk or bike to school on the margins of the residential roads, it is already not ideal situation for our children and the proposed development potential adds nearly double the traffic. Lennar's own study found that the transportation issues arising from the development were significant and not remediable; in fact they would add over 500 cars to roads in the morning and evening periods. How does the 'not remediable' part of the EIR get addressed? The property needs to reassessed and removed from the housing element.

48-2

Furthermore, Piraeus Street is unique in its design in that it has only a single main exit point, La Costa Avenue, while having two main entry points, Leucadia Blvd and La Costa Avenue; southbound traffic on Piraeus Street must then use the residential roads Normandy Rd and Urania Ave in order to access Leucadia Blvd, neither of these residential streets were designed to handle the proposed significant increase in traffic from the Piraeus Point development. How does the EIR address Normandy and Urania? It does not, but it needs to.

48-3

Piraeus Street and Plato Place weren't designed with on-street parking and cannot be expanded, the same goes for all the roads in the immediate community. Given the lack of on-site parking for guests of the proposed development, 25 spots for 149 homes, there will likely be illegal street parking; the city has seen this same issue recently arise from the opening of Olympus Park which is only two blocks south on Piraeus Street of the proposed development. The current illegal parking situation at Olympus Park has created multiple accidents, is generally unsafe and has been a strain on our local police force. What Olympus Park has shown us is that Piraeus Street cannot handle significant amounts of traffic and is unsafe when used for street parking.

48-4

Encinitas should focus on development that is safe for the community. These types of high-density projects should occur where infrastructure is either existing or can be improved to reasonably assure community safety; unfortunately for Lennar Homes that cannot be accomplished with their Piraeus Point proposed development.

48-5

Best Regards,
Mary & Richard Usher
1730 Caudor Street

48-5

Comment Summary:

The commenters express that the City should pursue development that can either be supported by existing infrastructure, or development that can be supported by infrastructure that can be feasibly improved. The commenters feel that these considerations would not be achieved for the project as proposed.

Response:

Refer to Master Response 2.

From: Terry Venard <powork@aol.com>
Sent: Monday, February 6, 2023 4:07 PM
To: Nick Koutoufidis
Subject: Opposition to Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To: Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

nkoutoufidis@encinitasca.gov

760.633.2692

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Please consider these oppositions to the proposed Piraeus Point Development:

1. Parking for the Project:

The State of California permits lower parking requirements for this particular project but why would the developer do it if there is not adequate parking on site? There is no offsite parking in the residential neighborhood as the streets are already too narrow in this family neighborhood.

49-1

2. Lack of safe walking from project:

There is no public transportation anywhere near the proposed Piraeus Point Project. There is no playground equipment on the site so who can assure safe walking path Capri Elementary School and local Olympus Park? Piraeus is a 45mph road which is too narrow for a dedicated Bike Lane in some sections. This indicates a big liability to the project.

49-2

3. Undergrounding Utilities:

The small development across Plato from Piraeus Point had to underground the Utilities for even a small residential neighborhood project. Piraeus Point should not be given a waiver for the Undergrounding Utilities requirement.

49-3

49 Terry Venard

49-1

Comment Summary:

The commenter acknowledges that the project would provide an adequate amount of parking per the State of California but feels that the proposed amount of parking is not sufficient for the needs of the project and notes the lack of street parking in the area.

Response:

Pease refer to Master Response 1.

49-2

Comment Summary:

The commenter expresses safety concerns due to the lack of public transportation in the vicinity of the project site, dangerous conditions on Piraeus Street, and the lack of onsite playgrounds, resulting in the need for individuals to safely walk to Capri Elementary School or Olympus Park.

Response:

Please refer to Master Response 1. The project proposes onsite landscaped areas that could be used by resident children onsite; the applicant would make payment of the required park fees to ensure that any project effects on the City’s park system remain less than significant. As stated, other park facilities would be available at nearby Capri Elementary and Olympus Park.

49-3

Comment Summary:

The commenter expresses opposition to the waiver to exempt the project from undergrounding utilities.

Response:

Please refer to Master Response 4.

Preface and Responses to Comments

4. Traffic:
Traffic in this area continues to be a problem and will be amplified by the addition of a 149 unit housing project. There are no school buses for the local school so the vehicle traffic would be much worse. Since traffic cannot exit onto Leucadia Boulevard any more, the additional traffic on the small, winding roads to Urania Avenue would be further burdened.

49-4

Thank you for your consideration. This project is not welcomed or safe in our neighborhood.

49-5

Sincerely,

Terry Venard
1516 Caudor Street
Leucadia, CA 92024

760-419-5113

49-4

Comment Summary:

The commenter asserts that the project would worsen existing traffic congestion in the surrounding area, especially considering the lack of school buses and the lack of direct access to Leucadia Boulevard from Piraeus.

Response:

Please refer to Master Response 1.

49-5

Comment Summary:

The commenter expresses that the proposed project is not welcome in the neighborhood.

Response:

The commenter’s opposition to the project is noted for the record. The comment is a conclusion and does not raise any environmental concerns pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. No further response is required.

From: Dolores Welty <dwelty2076@earthlink.net>
Sent: Thursday, February 2, 2023 10:52 AM
To: Kathy Hollywood; Nick Koutoufidis
Cc: Dolores Welty
Subject: Piraeus Point Draft EIR

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

:City of Encinitas Planning Commission and Planner NKoutoufidis

February 2, 2023

RE: Piraeus Point

Dear Commissioners:

Thank you for this opportunity to comment about the proposed development of Piraeus Point.

This property was poorly chosen as an up-zoned development. Like the by-right development on Clark Street, housing units are being crammed into the area without sufficient room for playgrounds, open areas or parking. They do not fit into their neighborhoods. The above amenities are required by the City of Encinitas, and need to be added to any plan for housing development in the city.

50A-1

The Piraeus Point project proposes multi-unit apartment-type housing for the property. This would be the only multi-unit collection of buildings in this large neighborhood. It does not fit. The Goals and Policies stated in the Housing Element require that new construction fit the neighborhood. While the whole Leucadia section of Encinitas is very diverse with many varieties of housing types, this particular part of Leucadia, the neighborhood east of Piraeus Point and south to Leucadia Boulevard is covered with large single family homes. The many multiple-family homes, apartment complexes and smaller lot dwellings are confined to other areas of Leucadia. The Piraeus Point project is not compatible with our housing policy as concerns compatibility with its neighborhood. For this single reason it should be denied. What excuse can the city give as to choosing this property for a multiple three-story housing project fronting an extensive neighborhood of single-family and town homes on large lots?

50A-2

The highest and best use of Piraeus Point acreage is as a protected biological area. Attempts have been made in the past by government agencies to purchase this property for wildlife preservation. Encinitas has never completed its Habitat Conservation Plan, but this property was intended for inclusion in it. The U.S.Fish and Wildlife Service (USFWS) designated this property as critical habitat for the California Gnatcatcher. This property should be preserved for native species.

50A-3

According to the map (Figure 3.3-4, Biological Survey Results - Wildlife) the part of the property slated for grading and development supports nesting California Gnatcatchers and their desired habitat. Thus it should be preserved. It connects to an already preserved portion of the bluff, making it much more valuable for the preservation of species than any other isolated parcel would be. It would be best to offer this property for mitigation for in-fill areas that do not have a connection to other habitats. Piraeus Point should be joined to the MHCP (Multiple-species Habitat Conservation Plan). That is the purpose of the MHCP - to establish connected preservation areas. The highest and best use of this property is as a wildlife and native plant preserve.

50A Dolores Welty

50A-1

Comment Summary:

The commenter asserts that the project site was inappropriately chosen to be up zoned for residential development. The commenter feels that projects of this type do not provide sufficient playgrounds, open areas, or parking and do not fit into the surrounding neighborhood.

Response:

Please refer to Master Responses 1 and 4.

As described in Section 2.0, Project Description of the EIR, a total of 38,575 SF of private open space is proposed for use by project residents. Overall, a total of 51,171 SF of open space is proposed for the project (private plus public), with 343 SF of open space provided per unit. Proposed open space would be in conformance with that required under the existing zoning (minimum 300 SF per unit x 149 units = 44,700 SF).

50A-2

Comment Summary:

The commenter asserts that the project would be the only multi-family development in neighborhood, and therefore, it would not be consistent with the character of the community. The commenter states that the goals and policies of the City's Housing Element require that new construction reflect the character of the neighborhood and that surrounding neighborhoods are generally single-family, with multi-family uses located in other areas of the City. The commenter asserts that the project is not compatible with local housing policy due to such conflicts and that it should therefore be denied.

Response:

Please refer to Master Response 4. The project as designed would be consistent State and local regulations governing development of the site (e.g., local zoning and overlays, coastal zone requirements, State Density Bonus Law, Caltrans measures, etc.) to ensure compatibility with existing development in the area and ensure the protection of resources. The

Preface and Responses to Comments

From: Dolores Welty <dwelty2076@earthlink.net>
Sent: Thursday, February 2, 2023 10:52 AM
To: Kathy Hollywood; Nick Koutoufidis
Cc: Dolores Welty
Subject: Piraeus Point Draft EIR

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

:City of Encinitas Planning Commission and Planner NKoutoufidis

February 2, 2023

RE: Piraeus Point

Dear Commissioners:

Thank you for this opportunity to comment about the proposed development of Piraeus Point.

This property was poorly chosen as an up-zoned development. Like the by-right development on Clark Street, housing units are being crammed into the area without sufficient room for playgrounds, open areas or parking. They do not fit into their neighborhoods. The above amenities are required by the City of Encinitas, and need to be added to any plan for housing development in the city.

50A-1

The Piraeus Point project proposes multi-unit apartment-type housing for the property. This would be the only multi-unit collection of buildings in this large neighborhood. It does not fit. The Goals and Policies stated in the Housing Element require that new construction fit the neighborhood. While the whole Leucadia section of Encinitas is very diverse with many varieties of housing types, this particular part of Leucadia, the neighborhood east of Piraeus Point and south to Leucadia Boulevard is covered with large single family homes. The many multiple-family homes, apartment complexes and smaller lot dwellings are confined to other areas of Leucadia. The Piraeus Point project is not compatible with our housing policy as concerns compatibility with its neighborhood. For this single reason it should be denied. What excuse can the city give as to choosing this property for a multiple three-story housing project fronting an extensive neighborhood of single-family and town homes on large lots?

50A-2

The highest and best use of Piraeus Point acreage is as a protected biological area. Attempts have been made in the past by government agencies to purchase this property for wildlife preservation. Encinitas has never completed its Habitat Conservation Plan, but this property was intended for inclusion in it. The U.S.Fish and Wildlife Service (USFWS) designated this property as critical habitat for the California Gnatcatcher. This property should be preserved for native species.

50A-3

According to the map (Figure 3.3-4, Biological Survey Results - Wildlife) the part of the property slated for grading and development supports nesting California Gnatcatchers and their desired habitat. Thus it should be preserved. It connects to an already preserved portion of the bluff, making it much more valuable for the preservation of species than any other isolated parcel would be. It would be best to offer this property for mitigation for in-fill areas that do not have a connection to other habitats. Piraeus Point should be joined to the MHCP (Multiple-species Habitat Conservation Plan). That is the purpose of the MHCP - to establish connected preservation areas. The highest and best use of this property is as a wildlife and native plant preserve.

project as proposed does not require a change to the existing General Plan or zoning designations which allow for higher density residential uses. The site has been identified in the City’s Housing Element Update as intended for future residential development to help meet the State’s adopted housing goals.

50A-3

Comment Summary:

The commenter asserts that the highest and best use of the project site is as a protected biological area. The commenter also asserts that the project site was intended for inclusion in the City’s Habitat Conservation Plan (not completed) and was designated as critical habitat for the California gnatcatcher by USFWS. The commenter asserts that the area of the project site proposed for grading and development supports California gnatcatchers and their habitat, and that the project site is more valuable as preservation of California gnatcatcher since the site is not isolated, but rather is connected to a preserved portion of the bluff. The commenter asserts that the property should be “joined to the MHCP.”

Response:

Please refer to Response 1B-5.

Allowing this property to be used as a multiple-housing project violates the City of Encinitas Natural Community Conservation Planning Act (1991), which is "aimed at conservation of natural communities at the ecosystem scale while allowing for compatible land uses." The California Department of Fish and Wildlife (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." What does the California Department of Fish and Wildlife have to say about the preservation of gnatcatcher habitat within or near the MHCP and the Preserved Batiquitos Lagoon? Take of the gnatcatcher should not be allowed. Has the Wildlife Agency issued a take, or is this still to be determined? This area is designated critical habitat by the United States Fish and Wildlife Service (USFWS). As stated in the EIR, the "entirety of the U.S. Fish and Wildlife Survey Area" (i.e., the Piraeus Point acreage plus adjacent property), "is within Unit 3 of USFWS-designated critical habitat for the federally-listed coastal CAGN (USFWS 2007)." As critical habitat, it should be preserved.

50A-4

The developer offers the northern portion (about two acres) of the acreage as partial mitigation for the loss of the native plants on the project. Total mitigation for the plant communities of California Sagebrush, Buckwheat, Deerweed and Chaparral is figured at 9.3 acres. But this EIR says nothing about the the loss of the nesting gnatcatchers through the destruction of their existing nesting habitat and offers no mitigation for that loss at all. It only deals with plant life. What is the mitigation ratio for the loss of gnatcatcher families? I believe the required mitigation ratio is at least 4 to 1. A gnatcatcher lives within a four mile range. It is native, meaning (of course) that it stays here year round Obviously these pairs are thriving on this property. According to your map (Figure 3.3-4) Piraeus Point is a perfect place for gnatcatchers, and should be retained as reserve. What can the city do to preserve this area? Will the city abide by the rules of the MHCP? What will the city require of the developer so that nesting areas for the resident gnatcatchers on the so-called developable area will be preserved? Will the developer fence off the area? Provide a rooftop garden of gnatcatcher habitat for these pairs? Establish gnatcatcher habitat along the vacated acreage given to the developer by the city? How will these nesting pairs be protected?

50A-5

Where will the developer find the 9.3 acres of mitigation required for this project? Will the developer be required to find these acres within the city? If not, why not? Is comparable habitat so rare within the city that none can be found?

50A-6

There is no playground or ground space for playgrounds at Piraeus Point. Outdoor access for sunlight and recreation are confined to the swimming pool area and to roof tops and off site areas. This is not sufficient . Where will children have the opportunity to run and play together? Any open space surrounding the property is either biologically off limits, owned by existing residents or next to streets. Children need a play area of real dirt and plants, not just driveways and roof tops. What adjustment to the plan will the developer make to provide a ground-level play area for children? What is the actual square feet of rooftop play area considering that solar panels and other equipment will also be there? Contact with nature is necessary for good mental health. Rooftop patios are not good play spaces for young children.

50A-7

At the same time, walking or biking to the park farther south on Piraeus, to Capri school or to South Carlsbad State Beach (Ponto), where children would have a chance to play outside like other children in the neighborhood, is dangerous. No safe walkways are provided and traffic is speedy. What solutions will be required by the developer or the city to correct this problem? Without a ground level play area, this development does not conform to the Sixth Cycle Housing Development Policy Goal 2.3.

50A-8

The development does not provide studio dwellings, which it could, diminishing the square footage of those units and allowing ground space for playground and parking. Will the city require the developer to consider this adjustment for at least some of the buildings? Better yet, one of the buildings could be eliminated or greatly reduced to provide this space. With so little ground area for recreation and open space, this project does not conform to the Sixth Cycle Housing Development Policy Goal 2.3.

50A-9

The street vacations of .25 acres on Plato and .71 along Piraeus are a puzzle to me. Why is this necessary? Your document calls these portions "excess right-of-way." Who decides a portion of street right-of-way is excess? What is the rule for deeming city property an "excess"? What criteria states the rules for deciding such? Will you please quote this rule or provide a link for our enlightenment?. This is a gift of public space to the developer. It certainly adds beauty and

50A-10

50A-4

Comment Summary:

The commenter asserts that developing the project site with multi-family residential use violates the City of Encinitas Natural Community Conservation Planning Act (1991) and inquires what input the CDFW has had regarding preservation of gnatcatcher habitat within or near the MHCP and the Batiquitos Lagoon. The commenter asserts that take of the gnatcatcher should not be allowed. The commenter also questions whether the USFWS has issued a take and asserts that the area is designated as USFWS critical habitat and should therefore be preserved.

Response:

Please refer to Letters 1B-1 and 2 for comments provided to date by USFWS and CDFW. Refer also to Response 1B-5; the USFWS has not issued a take permit. Section 3.3, Biological Resources, of the EIR has been revised to reflect comments received by USFWS relative to mitigation measures proposed to reduce project impacts on sensitive species to a level of less than significant.

50A-5

Comment Summary:

The commenter asserts that the EIR offers the northern parcel as partial mitigation for the loss of native plants onsite. The commenter further asserts that the EIR does not address the loss of nesting California gnatcatchers due to the destruction of nesting habitat and does not identify mitigation for such loss. The commenter inquires as to the mitigation for the loss of gnatcatcher "families," and asserts that it is to occur at a 4:1 ratio. The commenter further asserts that the project site is ideal for gnatcatchers and inquires what the City can do to preserve the area and whether the City will abide by the MHCP, as well as how the City will protect nesting pairs of gnatcatchers onsite.

Response:

Please refer to Response 1B-5. Required mitigation ratios are provided in Tables 3.3-2 and 3.3-3 of the EIR.

Preface and Responses to Comments

Allowing this property to be used as a multiple-housing project violates the City of Encinitas Natural Community Conservation Planning Act (1991), which is "aimed at conservation of natural communities at the ecosystem scale while allowing for compatible land uses." The California Department of Fish and Wildlife (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." What does the California Department of Fish and Wildlife have to say about the preservation of gnatcatcher habitat within or near the MHCP and the Preserved Batiquitos Lagoon? Take of the gnatcatcher should not be allowed. Has the Wildlife Agency issued a take, or is this still to be determined? This area is designated critical habitat by the United States Fish and Wildlife Service (USFWS). As stated in the EIR, the "entirety of the U.S. Fish and Wildlife Survey Area" (i.e., the Piraeus Point acreage plus adjacent property), "is within Unit 3 of USFWS-designated critical habitat for the federally-listed coastal CAGN (USFWS 2007)." As critical habitat, it should be preserved.

50A-4

The developer offers the northern portion (about two acres) of the acreage as partial mitigation for the loss of the native plants on the project. Total mitigation for the plant communities of California Sagebrush, Buckwheat, Deerweed and Chaparral is figured at 9.3 acres. But this EIR says nothing about the the loss of the nesting gnatcatchers through the destruction of their existing nesting habitat and offers no mitigation for that loss at all. It only deals with plant life. What is the mitigation ratio for the loss of gnatcatcher families? I believe the required mitigation ratio is at least 4 to 1. A gnatcatcher lives within a four mile range. It is native, meaning (of course) that it stays here year round Obviously these pairs are thriving on this property. According to your map (Figure 3.3-4) Piraeus Point is a perfect place for gnatcatchers, and should be retained as reserve. What can the city do to preserve this area? Will the city abide by the rules of the MHCP? What will the city require of the developer so that nesting areas for the resident gnatcatchers on the so-called developable area will be preserved? Will the developer fence off the area? Provide a rooftop garden of gnatcatcher habitat for these pairs? Establish gnatcatcher habitat along the vacated acreage given to the developer by the city? How will these nesting pairs be protected?

50A-5

Where will the developer find the 9.3 acres of mitigation required for this project? Will the developer be required to find these acres within the city? If not, why not? Is comparable habitat so rare within the city that none can be found?

50A-6

There is no playground or ground space for playgrounds at Piraeus Point. Outdoor access for sunlight and recreation are confined to the swimming pool area and to roof tops and off site areas. This is not sufficient . Where will children have the opportunity to run and play together? Any open space surrounding the property is either biologically off limits, owned by existing residents or next to streets. Children need a play area of real dirt and plants, not just driveways and roof tops. What adjustment to the plan will the developer make to provide a ground-level play area for children? What is the actual square feet of rooftop play area considering that solar panels and other equipment will also be there? Contact with nature is necessary for good mental health. Rooftop patios are not good play spaces for young children.

50A-7

At the same time, walking or biking to the park farther south on Piraeus, to Capri school or to South Carlsbad State Beach (Ponto), where children would have a chance to play outside like other children in the neighborhood, is dangerous. No safe walkways are provided and traffic is speedy. What solutions will be required by the developer or the city to correct this problem? Without a ground level play area, this development does not conform to the Sixth Cycle Housing Development Policy Goal 2.3.

50A-8

The development does not provide studio dwellings, which it could, diminishing the square footage of those units and allowing ground space for playground and parking. Will the city require the developer to consider this adjustment for at least some of the buildings? Better yet, one of the buildings could be eliminated or greatly reduced to provide this space. With so little ground area for recreation and open space, this project does not conform to the Sixth Cycle Housing Development Policy Goal 2.3.

50A-9

The street vacations of .25 acres on Plato and .71 along Piraeus are a puzzle to me. Why is this necessary? Your document calls these portions "excess right-of-way." Who decides a portion of street right-of-way is excess? What is the rule for deeming city property an "excess"? What criteria states the rules for deciding such? Will you please quote this rule or provide a link for our enlightenment?. This is a gift of public space to the developer. It certainly adds beauty and

50A-10

50A-6

Comment Summary:

The commenter inquires as to where the developer will find the 9.3 acres of mitigation required and whether such acreage would be required to be located within the City (and if not, why not).

Response:

The majority of the preservation goals and required mitigation ratios for impacted vegetation communities will be met through the establishment of the on-site and off-site adjacent Preserve Area, which will preserve in place 5.51 acres of land. Off-site mitigation will be required for an additional 1.92 acres of impacts to sensitive and/or mitigated habitats not achieved within the Preserve Area, which may be accomplished through the purchasing of mitigation credits or acquiring additional land within the Coastal Zone. However, because available land and established mitigation banks within the Coastal Zone are not available, and because the City of Encinitas Subarea Plan is still in draft form, purchasing of mitigation credits within a North County Multiple Habitat Planning Area mitigation bank (<https://www.sandiegocounty.gov/content/sdc/pds/mitbnks.html>) or at another City-approved preserve area in the process of being established shall be negotiated to the satisfaction of the City, CDFW, and USFWS.

50A-7

Comment Summary:

The commenter asserts that there is no playground proposed and that outdoor access for sunlight and recreation are confined to the swimming pool area, rooftops, and offsite areas, which is insufficient. The commenter also asserts that an onsite children’s play area is needed. The commenter questions the square footage of rooftop space proposed and states that rooftop patios are not good play spaces for young children.

Response:

The provision of open space and play areas for children is not a topic of concern requiring analysis pursuant to CEQA. However, the project as designed meets the City’s requirements for provision of both private and public open space for the zone and is further subject to discretionary

Allowing this property to be used as a multiple-housing project violates the City of Encinitas Natural Community Conservation Planning Act (1991), which is "aimed at conservation of natural communities at the ecosystem scale while allowing for compatible land uses." The California Department of Fish and Wildlife (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." What does the California Department of Fish and Wildlife have to say about the preservation of gnatcatcher habitat within or near the MHCP and the Preserved Batiquitos Lagoon? Take of the gnatcatcher should not be allowed. Has the Wildlife Agency issued a take, or is this still to be determined? This area is designated critical habitat by the United States Fish and Wildlife Service (USFWS). As stated in the EIR, the "entirety of the U.S. Fish and Wildlife Survey Area" (i.e., the Piraeus Point acreage plus adjacent property), "is within Unit 3 of USFWS-designated critical habitat for the federally-listed coastal CAGN (USFWS 2007)." As critical habitat, it should be preserved.

50A-4

The developer offers the northern portion (about two acres) of the acreage as partial mitigation for the loss of the native plants on the project. Total mitigation for the plant communities of California Sagebrush, Buckwheat, Deerweed and Chaparral is figured at 9.3 acres. But this EIR says nothing about the loss of the nesting gnatcatcher habitat through the destruction of their existing nesting habitat and offers no mitigation for that loss at all. It only deals with plant life. What is the mitigation ratio for the loss of gnatcatcher families? I believe the required mitigation ratio is at least 4 to 1. A gnatcatcher lives within a four mile range. It is native, meaning (of course) that it stays here year round Obviously these pairs are thriving on this property. According to your map (Figure 3.3-4) Piraeus Point is a perfect place for gnatcatchers, and should be retained as reserve. What can the city do to preserve this area? Will the city abide by the rules of the MHCP? What will the city require of the developer so that nesting areas for the resident gnatcatchers on the so-called developable area will be preserved? Will the developer fence off the area? Provide a rooftop garden of gnatcatcher habitat for these pairs? Establish gnatcatcher habitat along the vacated acreage given to the developer by the city? How will these nesting pairs be protected?

50A-5

Where will the developer find the 9.3 acres of mitigation required for this project? Will the developer be required to find these acres within the city? If not, why not? Is comparable habitat so rare within the city that none can be found?

50A-6

There is no playground or ground space for playgrounds at Piraeus Point. Outdoor access for sunlight and recreation are confined to the swimming pool area and to roof tops and off site areas. This is not sufficient . Where will children have the opportunity to run and play together? Any open space surrounding the property is either biologically off limits, owned by existing residents or next to streets. Children need a play area of real dirt and plants, not just driveways and roof tops. What adjustment to the plan will the developer make to provide a ground-level play area for children? What is the actual square feet of rooftop play area considering that solar panels and other equipment will also be there? Contact with nature is necessary for good mental health. Rooftop patios are not good play spaces for young children.

50A-7

At the same time, walking or biking to the park farther south on Piraeus, to Capri school or to South Carlsbad State Beach (Ponto), where children would have a chance to play outside like other children in the neighborhood, is dangerous. No safe walkways are provided and traffic is speedy. What solutions will be required by the developer or the city to correct this problem? Without a ground level play area, this development does not conform to the Sixth Cycle Housing Development Policy Goal 2.3.

50A-8

The development does not provide studio dwellings, which it could, diminishing the square footage of those units and allowing ground space for playground and parking. Will the city require the developer to consider this adjustment for at least some of the buildings? Better yet, one of the buildings could be eliminated or greatly reduced to provide this space. With so little ground area for recreation and open space, this project does not conform to the Sixth Cycle Housing Development Policy Goal 2.3.

50A-9

The street vacations of .25 acres on Plato and .71 along Piraeus are a puzzle to me. Why is this necessary? Your document calls these portions "excess right-of-way." Who decides a portion of street right-of-way is excess? What is the rule for deeming city property an "excess"? What criteria states the rules for deciding such? Will you please quote this rule or provide a link for our enlightenment?. This is a gift of public space to the developer. It certainly adds beauty and

50A-10

review to ensure that such requirements are met. The total square footage of usable rooftop patio space proposed is 38,575 square feet, with between 200-300 square feet on each rooftop deck. The remainder of the rooftop space has been designed to accommodate mechanical equipment and/or solar panels while still allowing the project to exceed private open space requirements.

50A-8

Comment Summary:

The commenter asserts that having to travel to offsite locations (Olympus Park, Capri Elementary, beach) for children to play outside presents hazardous conditions such as no speeding vehicles and no safe walkways for pedestrian use. The commenter inquires as to how the project or City will provide solutions to resolve such conditions, and asserts that by not providing a ground level play area, the project does not conform to the City's Sixth Cycle Housing Development Policy Goal 2.3.-

Response:

Please refer to Master Response 1 and Response 4A-18.

50A-9

Comment Summary:

The commenter suggests that the project could either reduce the square footage of some proposed residential units or eliminate one residential building altogether in order to provide more onsite ground space for playground and parking. The commenter asserts that the project does not conform to the City's Sixth Cycle Housing Development Policy Goal 2.3 pertaining to the provision of open space and recreation.

Response:

Refer to Master Response 1 and Response 4A-18.

50A-10

Comment Summary:

The commenter inquires as to why the proposed street vacation along portions of Plato Place and Piraeus Street is necessary and asks for the

Preface and Responses to Comments

open space to the development, better enabling the density. What does the city receive in return? How wide are the provided pedestrian sidewalks indicated on the artist drawing? Can two people walk side by side? 50A-10 cont'd

The vacated open space adds nearly an acre to the developer's usable space. Surely that is more than enough to provide a playground for the children who will be residents of this development. Where will it be? Considering the fact that this is nearly an acre of added land, will the developer be asked to include such amenities as a playground, gnatcatcher habitat, benches and tables? 50A-11

This dense housing proposal sits in an area with no services, no grocery, no bus transportation. The area has no amenities. It thus violates the city's Quality of Housing Goal 2., Policy 2.2: "Adopt policies, including development fees, to ensure that there is adequate infrastructure and public facilities required to serve new housing." Please explain how this development can fulfill Goal 2, Policy 2.2? If it cannot, it must be denied. 50A-12

I read only 246 parking spaces for 149 housing units. That's not enough if there is no plan to provide the opportunity for public transportation. Has the city begun negotiations for bus transportation at least down La Costa Ave. to the east and/or to the train station on Vulcan? The extra 25 shared parking spaces do not make up for the deficit. What increase in public transportation will the city provide? How many dollars will the developer be asked to provide to help in funding this necessity? 50A-13

Reducing the square footage of certain of the dwellings to make studio accommodations would provide more space for parking and play area. Will the developer consider this possibility? 50A-14

A 40 percent encroachment into the bluff is excessive and offends the city's rules concerning bluff slopes. Will the City please deny this waiver? Allowing this developer to cut into the bluff sets a precedent that will be quoted by other developers. The city should not allow this to happen. Will the city continue to protect our bluff slopes or not? This is one waiver the city should surely deny. 50A-15

Density Bonus incentives and waivers are state requirements that override a city's planning and take local government away from the local population. The state should provide supplemental funding for low cost housing rather than overturning local government regulations. Do you agree? A 40 percent encroachment into the bluff violates the Sixth Cycle Housing Element Goal 2.7., as well as the city's policies and rules about bluff preservation. This encroachment should be denied. Will the city require the developer to step back from the bluff? How will the city reconcile what the developer wants to do with the city's Policies and Goals so cited? 50A-16

As to the electrical utilities being under-grounded, will they be under-grounded in the future? Will the developer be asked to contribute a sum to be held in escrow for future under-grounding? 50A-17

These 149 housing units will provide 15 low cost units. Is that a joke? The whole reason for the up-zoning of this property was to gain more low or low, low cost units and provide a diversity of economic opportunities of home ownership to residents. Why this low percentage? The City knows citizens have asked for a 20% requirement for density bonus developments and have shown that even a 50% requirement can allow a developer a good profit. Could we have 20% or, at the least, 15% as other developers have agreed to do? What is the justification for this low percentage? 50A-18

Will any of these individual units be sold, or is this another bunch of rentals? The wording is not clear (Section 2.0, page 2.02. first paragraph). It appears that each of the 15 buildings can be sold as a unit after parcels have been subdivided. Will each dwelling unit be sold separately, or will each of the 15 buildings be sold intact and future owners be allowed to be landlords rather than residents? What are the qualifications for buying a low income unit? We have found that some low cost units are actually sold to children of the developer or builder. Technically these young people qualify for a low cost unit, but they do not always live or work in Encinitas so we feel cheated. How will the city or the developer avoid this practice? Can residence or proof of local work be required of those who apply for a low cost unit? What is protocol for the sale of these units? 50A-19

criteria used to determine that such portions of Plato Place and Piraeus Street are excess right-of-way. The commenter asserts that the street vacations provide more open space to the project site to better enable the density. The commenter also requests to know the widths of the proposed pedestrian sidewalks.

Response:

Refer to Response 21-5. The proposed sidewalks along the frontage of Piraeus Street and Plato Place would be constructed to a width of 5 feet.

50A-11

Comment Summary:

The commenter inquires whether the City will request that the developer utilize the nearly one acre of land to be added to the project site as the result of the requested street vacation(s) used as an onsite playground, as gnatcatcher habitat, or for benches and tables.

Response:

Please refer to Response 21-5. This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

50A-12

Comment Summary:

The commenter asserts that the project violates Goal 2, Policy 2.2 of the City's General Plan, which requires the City to adopt policies to ensure that there are adequate infrastructure and public facilities required to serve new housing. The commenter asserts that the project is located in an area that does not currently support services, grocery, transportation, or amenities.

Response:

This comment does not address the adequacy of the EIR; no further response is required. The City will evaluate project consistency with the General Plan goals and policies when considering whether to approve the project.

open space to the development, better enabling the density. What does the city receive in return? How wide are the provided pedestrian sidewalks indicated on the artist drawing? Can two people walk side by side?

50A-10
cont'd

The vacated open space adds nearly an acre to the developer's usable space. Surely that is more than enough to provide a playground for the children who will be residents of this development. Where will it be? Considering the fact that this is nearly an acre of added land, will the developer be asked to include such amenities as a playground, gnatcatcher habitat, benches and tables?

50A-11

This dense housing proposal sits in an area with no services, no grocery, no bus transportation. The area has no amenities. It thus violates the city's Quality of Housing Goal 2., Policy 2.2: "Adopt policies, including development fees, to ensure that there is adequate infrastructure and public facilities required to serve new housing." Please explain how this development can fulfill Goal 2, Policy 2.2? If it cannot, it must be denied.

50A-12

I read only 246 parking spaces for 149 housing units. That's not enough if there is no plan to provide the opportunity for public transportation. Has the city begun negotiations for bus transportation at least down La Costa Ave. to the east and/or to the train station on Vulcan? The extra 25 shared parking spaces do not make up for the deficit. What increase in public transportation will the city provide? How many dollars will the developer be asked to provide to help in funding this necessity?

50A-13

Reducing the square footage of certain of the dwellings to make studio accommodations would provide more space for parking and play area. Will the developer consider this possibility?

50A-14

A 40 percent encroachment into the bluff is excessive and offends the city's rules concerning bluff slopes. Will the City please deny this waiver? Allowing this developer to cut into the bluff sets a precedent that will be quoted by other developers. The city should not allow this to happen. Will the city continue to protect our bluff slopes or not? This is one waiver the city should surely deny.

50A-15

Density Bonus incentives and waivers are state requirements that override a city's planning and take local government away from the local population. The state should provide supplemental funding for low cost housing rather than overturning local government regulations. Do you agree? A 40 percent encroachment into the bluff violates the Sixth Cycle Housing Element Goal 2.7., as well as the city's policies and rules about bluff preservation. This encroachment should be denied. Will the city require the developer to step back from the bluff? How will the city reconcile what the developer wants to do with the city's Policies and Goals so cited?

50A-16

As to the electrical utilities being under-grounded, will they be under-grounded in the future? Will the developer be asked to contribute a sum to be held in escrow for future under-grounding?

50A-17

These 149 housing units will provide 15 low cost units. Is that a joke? The whole reason for the up-zoning of this property was to gain more low or low, low cost units and provide a diversity of economic opportunities of home ownership to residents. Why this low percentage? The City knows citizens have asked for a 20% requirement for density bonus developments and have shown that even a 50% requirement can allow a developer a good profit. Could we have 20% or, at the least, 15% as other developers have agreed to do? What is the justification for this low percentage?

50A-18

Will any of these individual units be sold, or is this another bunch of rentals? The wording is not clear (Section 2.0, page 2.02. first paragraph). It appears that each of the 15 buildings can be sold as a unit after parcels have been subdivided. Will each dwelling unit be sold separately, or will each of the 15 buildings be sold intact and future owners be allowed to be landlords rather than residents? What are the qualifications for buying a low income unit? We have found that some low cost units are actually sold to children of the developer or builder. Technically these young people qualify for a low cost unit, but they do not always live or work in Encinitas so we feel cheated. How will the city or the developer avoid this practice? Can residence or proof of local work be required of those who apply for a low cost unit? What is protocol for the sale of these units?

50A-19

50A-13

Comment Summary:

The commenter asserts that the project does not provide enough parking if the City does not intend to provide opportunities for public transportation. The commenter inquires whether the City plans to implement bus service along La Costa Avenue and/or to the train station on Vulcan Avenue. The commenter also asserts that the 25 shared spaces proposed onsite do not make up for the parking shortage, and inquires as to whether the applicant will provide funding for public transportation.

Response:

Please refer to Master Response 1. Although not adjacent to the project site, public transportation is accessible via North County Transit District bus route #304, approximately 1 mile southeast of the project site; the La Costa Avenue park-and ride facility, approximately 0.3 miles north of the project site; and the Encinitas Transit Station, approximately 2 road miles south. The project would construct approximately 1,100 linear feet of sidewalk along the project frontage on Piraeus Street and Plato Place to provide potential future connection to the larger sidewalk system when available.

The City is not contemplating the provision of new bus service on La Costa Avenue and/or to the train station on Vulcan Avenue from the project vicinity at this time. The project applicant is not required to provide funding for public transportation.

50A-14

Comment Summary:

The commenter requests that the applicant consider reducing the square footage of some dwellings to allow for more parking and play area space.

Response:

The comments provided do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

open space to the development, better enabling the density. What does the city receive in return? How wide are the provided pedestrian sidewalks indicated on the artist drawing? Can two people walk side by side?

The vacated open space adds nearly an acre to the developer's usable space. Surely that is more than enough to provide a playground for the children who will be residents of this development. Where will it be? Considering the fact that this is nearly an acre of added land, will the developer be asked to include such amenities as a playground, gnatcatcher habitat, benches and tables?

This dense housing proposal sits in an area with no services, no grocery, no bus transportation. The area has no amenities. It thus violates the city's Quality of Housing Goal 2., Policy 2.2: "Adopt policies, including development fees, to ensure that there is adequate infrastructure and public facilities required to serve new housing." Please explain how this development can fulfill Goal 2, Policy 2.2? If it cannot, it must be denied.

I read only 246 parking spaces for 149 housing units. That's not enough if there is no plan to provide the opportunity for public transportation. Has the city begun negotiations for bus transportation at least down La Costa Ave. to the east and/or to the train station on Vulcan? The extra 25 shared parking spaces do not make up for the deficit. What increase in public transportation will the city provide? How many dollars will the developer be asked to provide to help in funding this necessity?

Reducing the square footage of certain of the dwellings to make studio accommodations would provide more space for parking and play area. Will the developer consider this possibility?

A 40 percent encroachment into the bluff is excessive and offends the city's rules concerning bluff slopes. Will the City please deny this waiver? Allowing this developer to cut into the bluff sets a precedent that will be quoted by other developers. The city should not allow this to happen. Will the city continue to protect our bluff slopes or not? This is one waiver the city should surely deny.

Density Bonus incentives and waivers are state requirements that override a city's planning and take local government away from the local population. The state should provide supplemental funding for low cost housing rather than overturning local government regulations. Do you agree? A 40 percent encroachment into the bluff violates the Sixth Cycle Housing Element Goal 2.7., as well as the city's policies and rules about bluff preservation. This encroachment should be denied. Will the city require the developer to step back from the bluff? How will the city reconcile what the developer wants to do with the city's Policies and Goals so cited?

As to the electrical utilities being under-grounded, will they be under-grounded in the future? Will the developer be asked to contribute a sum to be held in escrow for future under-grounding?

These 149 housing units will provide 15 low cost units. Is that a joke? The whole reason for the up-zoning of this property was to gain more low or low, low cost units and provide a diversity of economic opportunities of home ownership to residents. Why this low percentage? The City knows citizens have asked for a 20% requirement for density bonus developments and have shown that even a 50% requirement can allow a developer a good profit. Could we have 20% or, at the least, 15% as other developers have agreed to do? What is the justification for this low percentage?

Will any of these individual units be sold, or is this another bunch of rentals? The wording is not clear (Section 2.0, page 2.02. first paragraph). It appears that each of the 15 buildings can be sold as a unit after parcels have been subdivided. Will each dwelling unit be sold separately, or will each of the 15 buildings be sold intact and future owners be allowed to be landlords rather than residents? What are the qualifications for buying a low income unit? We have found that some low cost units are actually sold to children of the developer or builder. Technically these young people qualify for a low cost unit, but they do not always live or work in Encinitas so we feel cheated. How will the city or the developer avoid this practice? Can residence or proof of local work be required of those who apply for a low cost unit? What is protocol for the sale of these units?

50A-10
cont'd

50A-11

50A-12

50A-13

50A-14

50A-15

50A-16

50A-17

50A-18

50A-19

50A-15

Comment Summary:

The commenter requests that the City deny the waiver to encroach 40 percent into steep slopes, as such encroachment is "excessive and offends the City's rules concerning bluff slopes" and would set a precedent for other applicants.

Response:

Refer to Master Response 4.

50A-16

Comment Summary:

The commenter asserts that the proposed 40 percent encroachment into the bluff violates the City's Housing Element and City policies and rules regarding bluff preservation, and therefore, the request for encroachment should be denied.

Response:

Refer to Master Response 4. The City will evaluate project consistency with the City's General Plan and will consider such findings in determining whether or not to approve to project.

50A-17

Comment Summary:

The commenter inquires whether utilities would be undergrounded in the future and if the applicant would be asked to contribute a sum to be held in escrow for future undergrounding.

Response:

Refer to Master Response 4. The incentive requested for the project is the elimination of the City's undergrounding utilities requirement for existing overhead utilities pursuant to Encinitas Municipal Code Section 23.36.120. The applicant would not underground the existing utility lines and there are no plans to do so in the future. The applicant would not be required to contribute a sum to be held in escrow for future undergrounding of utilities, as no such plans exist or have been identified.

open space to the development, better enabling the density. What does the city receive in return? How wide are the provided pedestrian sidewalks indicated on the artist drawing? Can two people walk side by side?

50A-10
cont'd

The vacated open space adds nearly an acre to the developer's usable space. Surely that is more than enough to provide a playground for the children who will be residents of this development. Where will it be? Considering the fact that this is nearly an acre of added land, will the developer be asked to include such amenities as a playground, gnatcatcher habitat, benches and tables?

50A-11

This dense housing proposal sits in an area with no services, no grocery, no bus transportation. The area has no amenities. It thus violates the city's Quality of Housing Goal 2., Policy 2.2: "Adopt policies, including development fees, to ensure that there is adequate infrastructure and public facilities required to serve new housing." Please explain how this development can fulfill Goal 2, Policy 2.2? If it cannot, it must be denied.

50A-12

I read only 246 parking spaces for 149 housing units. That's not enough if there is no plan to provide the opportunity for public transportation. Has the city begun negotiations for bus transportation at least down La Costa Ave. to the east and/or to the train station on Vulcan? The extra 25 shared parking spaces do not make up for the deficit. What increase in public transportation will the city provide? How many dollars will the developer be asked to provide to help in funding this necessity?

50A-13

Reducing the square footage of certain of the dwellings to make studio accommodations would provide more space for parking and play area. Will the developer consider this possibility?

50A-14

A 40 percent encroachment into the bluff is excessive and offends the city's rules concerning bluff slopes. Will the City please deny this waiver? Allowing this developer to cut into the bluff sets a precedent that will be quoted by other developers. The city should not allow this to happen. Will the city continue to protect our bluff slopes or not? This is one waiver the city should surely deny.

50A-15

Density Bonus incentives and waivers are state requirements that override a city's planning and take local government away from the local population. The state should provide supplemental funding for low cost housing rather than overturning local government regulations. Do you agree? A 40 percent encroachment into the bluff violates the Sixth Cycle Housing Element Goal 2.7., as well as the city's policies and rules about bluff preservation. This encroachment should be denied. Will the city require the developer to step back from the bluff? How will the city reconcile what the developer wants to do with the city's Policies and Goals so cited?

50A-16

As to the electrical utilities being under-grounded, will they be under-grounded in the future? Will the developer be asked to contribute a sum to be held in escrow for future under-grounding?

50A-17

These 149 housing units will provide 15 low cost units. Is that a joke? The whole reason for the up-zoning of this property was to gain more low or low, low cost units and provide a diversity of economic opportunities of home ownership to residents. Why this low percentage? The City knows citizens have asked for a 20% requirement for density bonus developments and have shown that even a 50% requirement can allow a developer a good profit. Could we have 20% or, at the least, 15% as other developers have agreed to do? What is the justification for this low percentage?

50A-18

Will any of these individual units be sold, or is this another bunch of rentals? The wording is not clear (Section 2.0, page 2.02, first paragraph). It appears that each of the 15 buildings can be sold as a unit after parcels have been subdivided. Will each dwelling unit be sold separately, or will each of the 15 buildings be sold intact and future owners be allowed to be landlords rather than residents? What are the qualifications for buying a low income unit? We have found that some low cost units are actually sold to children of the developer or builder. Technically these young people qualify for a low cost unit, but they do not always live or work in Encinitas so we feel cheated. How will the city or the developer avoid this practice? Can residence or proof of local work be required of those who apply for a low cost unit? What is protocol for the sale of these units?

50A-19

50A-18

Comment Summary:

The commenter asserts that the project does not propose enough low-income units and asks for justification of the low percentage of such units being proposed. The commenter asserts that other projects have demonstrated that providing a higher percentage of affordable units (20 or even 15 percent) can still be profitable, and inquires as to whether the applicant could provide a higher percentage of affordable housing units.

Response:

The project would adhere to State Density Bonus Law by providing 15 "very low" income units (affordable to households earning no more than 50 percent of the area median income) which represents approximately 10 percent of the overall unit count. While this allows the project to utilize the maximum density bonus (up to a 50 percent increase in unit count), the project is not proposing to utilize Density Bonus Law to increase the unit density onsite, thereby respecting existing development in the surrounding neighborhood.

50A-19

Comment Summary:

The commenter inquires if the units would be for-sale or rentals, and indicates that the wording in EIR Section 2.0 (page 2.0-2) is unclear regarding this issue. The commenter asks for information regarding the proposed subdivision of parcels and qualifications and procedures for buying a low-income unit, and expresses concern that such units may be sold to people who are not local to Encinitas.

Response:

As stated on page 2.0-1, "The Piraeus Point Project (proposed "project") would result in future development of a 149-unit townhome community (for-sale units)." Page 2.0-2 of the EIR has been revised for clarity to indicate that the Condominium Tentative Map is required to subdivide the 149 condominiums into separate parcels, pursuant to the State of California Subdivision Map Act, to allow each of the 149 condominium

Preface and Responses to Comments

I am looking at Section 2.3.2 of the Draft EIR which proposes 38, 575 SF of private open space for the residents, divisible to each type of unit. Where is this open space? Is the developer including balconies? Does it include the roof patios? Does each unit have or does any unit have private patios? If "private" means occupants only, what area might local residents feel comfortable using? Are benches and/or tables provided in the vacated spaces near the sidewalks? If so, could these be used by the public?

50A-20

Section 2.3.3 states that automobile entry to the site is off Piraeus but it does not indicate an exit site and does state that a 26-foot-wide- interior roadway will go from Piraeus to Plato. Will Plato be the exit site? Or will residents be directed/required to exit onto Piraeus as the community prefers? Is it the driver's choice? We were told the Plato exit would be an emergency exit.

50A-21

Is a 3 by 3 foot grate adequate for excessive water runoff as occurred this past week or might be expected in the future as our climate changes? How about the capacity of off-site facilities for excessive runoff?

50A-22

I am concerned about unintended bird death against glass especially because of this development's proximity to Batiqitos Lagoon, a nature reserve for endangered bird species as well as a nursery for fish. I have movable screening on the outside of my own windows to keep birds from killing themselves by trying to fly through them especially during migratory seasons. The reflection of the outside world on the glass fools birds into thinking the glass opens to nature, not a room. This is a universal problem everywhere and quite a significant cause of bird fatality in the environmental record. It is possible to find solutions for instances in which glass is used for windows, separations or noise attenuation. What solutions will the developer use? What solutions will the city require? I suggest one-way glass for unshaded windows and tinted for the glass walls. There are other solutions as well. I have seen advertisements for outdoor glass embedded with bird deterrent invisible from the human side.

50A-23

Are four electrical vehicle charging stations adequate for the expected life of this project? What is the expected life of these buildings? A thirty year life expectancy is usual, in which case four stations will not be enough. What arrangements can be made to enable such stations to be added in the future?

50A-24

Concerning the plantings behind the northern retaining wall and in front of the reserved area, are you certain that any plants put there will either be those of coastal sage scrub, buckwheat, or chaparral communities? If not, what guarantees can biological experts provide that your plantings will not replace the plant communities you are required to preserve?

50A-25

Is it possible that this developer could be required to remove the nonnative giant reed just north of Skyloft Road? It may be that this reed occurs further east on Skyloft as well and would re-seed through runoff. If so, the developer could deposit a sum for use in future reclamation efforts. Will he? Will the city require such a sum?

50A-26

The City is already well aware of the F rating of La Costa roadway to the beach and 101. Will City please explain why this development will not add to that problem? Or why it is OK to add to that problem? What will the developer do to reduce car trips west over the freeway to 101? What will the City do?

50A-27

This area is the Gateway to Encinitas. I appreciate the measures the developer has taken to disguise his project and help it to blend into the bluff. But it doesn't. The I-5 Freeway has been designated as a view corridor. We ask you to protect the I-5 view corridor from this project. We believe it will be very visible in the corridor and disrupt the viewshed. Trees are proposed, but the vegetation in this area does not contain trees. The natural vegetation is low-growing shrubbery and trees will stand out as unnatural additions, topped by the high-rising conglomeration of buildings. Will the city once again make an offer to purchase this property as an addition to our proposed MHCP?

50A-28

Very truly yours,
Dolores Welty
2076 Sheridan Road
Encinitas, CA 92024
760-942-9897

units to be sold as an individual unit under separate private ownership. The 16 (not 15) buildings would not be sold "intact."

The very low income units would be offered to future homeowners meeting the qualifications for very low income affordable residential housing (affordable to households earning no more than 50 percent of area median income). Who such units are sold to is not an issue of concern relative to CEQA.

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

50A-20

Comment Summary:

The commenter asks where the proposed 38,575 square feet of private open space would be provided with the project. The commenter asks if the proposed private open space would be available for local residents to use. The commenter asks if benches and/or tables are proposed in the vacated spaces near the sidewalks and if they would be available for public use.

Response:

A total of 38,575 SF of private open space is proposed for use by project residents. This includes approximately 10,400 square feet (SF) of open space for the 1-bedroom units (52 units); 10,175 SF of open space for the 2-bedroom units (37 units); and 18,000 SF of open space for the 3-bedroom units (60 units). Private open space would be comprised of such elements as rooftop decks, decks, and landscaped areas around private driveways.

Private open space would be restricted to use by residents and their guests only. Benches and tables are not proposed for the (offsite) landscaped areas located adjacent to the project site along Piraeus Street and Plato Place.

I am looking at Section 2.3.2 of the Draft EIR which proposes 38, 575 SF of private open space for the residents, divisible to each type of unit. Where is this open space? Is the developer including balconies? Does it include the roof patios? Does each unit have or does any unit have private patios? If "private" means occupants only, what area might local residents feel comfortable using? Are benches and/or tables provided in the vacated spaces near the sidewalks? If so, could these be used by the public?

50A-20

Section 2.3.3 states that automobile entry to the site is off Piraeus but it does not indicate an exit site and does state that a 26-foot-wide- interior roadway will go from Piraeus to Plato. Will Plato be the exit site? Or will residents be directed/required to exit onto Piraeus as the community prefers? Is it the driver's choice? We were told the Plato exit would be an emergency exit.

50A-21

Is a 3 by 3 foot grate adequate for excessive water runoff as occurred this past week or might be expected in the future as our climate changes? How about the capacity of off-site facilities for excessive runoff?

50A-22

I am concerned about unintended bird death against glass especially because of this development's proximity to Batiquitos Lagoon, a nature reserve for endangered bird species as well as a nursery for fish. I have movable screening on the outside of my own windows to keep birds from killing themselves by trying to fly through them especially during migratory seasons. The reflection of the outside world on the glass fools birds into thinking the glass opens to nature, not a room. This is a universal problem everywhere and quite a significant cause of bird fatality in the environmental record. It is possible to find solutions for instances in which glass is used for windows, separations or noise attenuation. What solutions will the developer use? What solutions will the city require? I suggest one-way glass for unshaded windows and tinted for the glass walls. There are other solutions as well. I have seen advertisements for outdoor glass embedded with bird deterrent invisible from the human side.

50A-23

Are four electrical vehicle charging stations adequate for the expected life of this project? What is the expected life of these buildings? A thirty year life expectancy is usual, in which case four stations will not be enough. What arrangements can be made to enable such stations to be added in the future?

50A-24

Concerning the plantings behind the northern retaining wall and in front of the reserved area, are you certain that any plants put there will either be those of coastal sage scrub, buckwheat, or chaparral communities? If not, what guarantees can biological experts provide that your plantings will not replace the plant communities you are required to preserve?

50A-25

Is it possible that this developer could be required to remove the nonnative giant reed just north of Skyloft Road? It may be that this reed occurs further east on Skyloft as well and would re-seed through runoff. If so, the developer could deposit a sum for use in future reclamation efforts. Will he? Will the city require such a sum?

50A-26

The City is already well aware of the F rating of La Costa roadway to the beach and 101. Will City please explain why this development will not add to that problem? Or why it is OK to add to that problem? What will the developer do to reduce car trips west over the freeway to 101? What will the City do?

50A-27

This area is the Gateway to Encinitas. I appreciate the measures the developer has taken to disguise his project and help it to blend into the bluff. But it doesn't. The I-5 Freeway has been designated as a view corridor. We ask you to protect the I-5 view corridor from this project. We believe it will be very visible in the corridor and disrupt the views. Trees are proposed, but the vegetation in this area does not contain trees. The natural vegetation is low-growing shrubbery and trees will stand out as unnatural additions, topped by the high-rising conglomeration of buildings. Will the city once again make an offer to purchase this property as an addition to our proposed MHCP?

50A-28

Very truly yours,
Dolores Welty
2076 Sheridan Road
Encinitas, CA 92024
760-942-9897

50A-21

Comment Summary:

The commenter states that EIR Section 2.3.3 does not indicate an exit site and asks if egress from the project site will be provided from Piraeus Street or Plato Place. The commenter indicates that she was previously informed that the access at Plato Place would be gated.

Response:

Section 2.3.3 states, "Access to the site would be provided at one primary entry drive from Piraeus Street. In addition, an emergency/fire access would be provided from the south at Plato Place." The discussion has been updated to better clarify that ingress/egress would occur from the proposed access driveway on Piraeus Street. The access point at Plato Place would be gated and restricted to use by emergency vehicles only, as needed.

50A-22

Comment Summary:

The commenter inquires whether a 3-foot by 3-foot grate is sufficient for the excessive water runoff recently experienced of the runoff that could be experienced in the future due to climate change. The commenter also questions the capacity of offsite facilities to accommodate project stormwater flows.

Response:

Potential impacts of the proposed project relative to hydrology are adequately analyzed in Section 3.8, Hydrology and Water Quality, of the EIR. As described in the EIR, the project proposed use of a biofiltration basin to meet the treatment and flow control requirements listed in the City of Encinitas Best Management Practices (BMP) Manual for post-construction BMPs. All proposed storm drain improvements would be sized to handle the 100-year storm event. With incorporation of the proposed site improvements and BMPs, the project would reduce onsite stormwater flow rates compared to existing (pre-development) conditions, and therefore, would not adversely affect offsite facilities from runoff leaving the site. Other cumulative development projects would be

Preface and Responses to Comments

I am looking at Section 2.3.2 of the Draft EIR which proposes 38, 575 SF of private open space for the residents, divisible to each type of unit. Where is this open space? Is the developer including balconies? Does it include the roof patios? Does each unit have or does any unit have private patios? If "private" means occupants only, what area might local residents feel comfortable using? Are benches and/or tables provided in the vacated spaces near the sidewalks? If so, could these be used by the public?

50A-20

Section 2.3.3 states that automobile entry to the site is off Piraeus but it does not indicate an exit site and does state that a 26-foot-wide- interior roadway will go from Piraeus to Plato. Will Plato be the exit site? Or will residents be directed/required to exit onto Piraeus as the community prefers? Is it the driver's choice? We were told the Plato exit would be an emergency exit.

50A-21

Is a 3 by 3 foot grate adequate for excessive water runoff as occurred this past week or might be expected in the future as our climate changes? How about the capacity of off-site facilities for excessive runoff?

50A-22

I am concerned about unintended bird death against glass especially because of this development's proximity to Batiqitos Lagoon, a nature reserve for endangered bird species as well as a nursery for fish. I have movable screening on the outside of my own windows to keep birds from killing themselves by trying to fly through them especially during migratory seasons. The reflection of the outside world on the glass fools birds into thinking the glass opens to nature, not a room. This is a universal problem everywhere and quite a significant cause of bird fatality in the environmental record. It is possible to find solutions for instances in which glass is used for windows, separations or noise attenuation. What solutions will the developer use? What solutions will the city require? I suggest one-way glass for unshaded windows and tinted for the glass walls. There are other solutions as well. I have seen advertisements for outdoor glass embedded with bird deterrent invisible from the human side.

50A-23

Are four electrical vehicle charging stations adequate for the expected life of this project? What is the expected life of these buildings? A thirty year life expectancy is usual, in which case four stations will not be enough. What arrangements can be made to enable such stations to be added in the future?

50A-24

Concerning the plantings behind the northern retaining wall and in front of the reserved area, are you certain that any plants put there will either be those of coastal sage scrub, buckwheat, or chaparral communities? If not, what guarantees can biological experts provide that your plantings will not replace the plant communities you are required to preserve?

50A-25

Is it possible that this developer could be required to remove the nonnative giant reed just north of Skyloft Road? It may be that this reed occurs further east on Skyloft as well and would re-seed through runoff. If so, the developer could deposit a sum for use in future reclamation efforts. Will he? Will the city require such a sum?

50A-26

The City is already well aware of the F rating of La Costa roadway to the beach and 101. Will City please explain why this development will not add to that problem? Or why it is OK to add to that problem? What will the developer do to reduce car trips west over the freeway to 101? What will the City do?

50A-27

This area is the Gateway to Encinitas. I appreciate the measures the developer has taken to disguise his project and help it to blend into the bluff. But it doesn't. The I-5 Freeway has been designated as a view corridor. We ask you to protect the I-5 view corridor from this project. We believe it will be very visible in the corridor and disrupt the viewshed. Trees are proposed, but the vegetation in this area does not contain trees. The natural vegetation is low-growing shrubbery and trees will stand out as unnatural additions, topped by the high-rising conglomeration of buildings. Will the city once again make an offer to purchase this property as an addition to our proposed MHCP?

50A-28

Very truly yours,
Dolores Welty
2076 Sheridan Road
Encinitas, CA 92024
760-942-9897

required to implement similar project design features to ensure offsite flooding or other drainage impacts.

50A-23

Comment Summary:

The commenter expresses concern regarding potential bird deaths resulting from collisions with glass windows and walls. The commenter asks for solutions to be identified that the applicant will use and the City will require. The commenter suggests the use of one-way glass for unshaded windows and tinted glass walls, and notes that other solutions may include outdoor glass embedded with bird deterrent that would not be visible "from the human side."

Response:

The project does not contain large expanses of clear glass, includes articulation in building design, and generally would not present the type of mono structure with large glass panels that would be of substantial concern for this type of impact. Nevertheless, the City will consider the suggestions above as well as other published standards for bird safe buildings when conducting final design so potential for bird strikes can be reduced through design, where appropriate.

50A-24

Comment Summary:

The commenter inquires as to whether four electrical vehicle (EV) stations will be sufficient to serve the project and suggests that this number may not be enough. The commenter asks what the anticipated life of the buildings is and what arrangements can be made to enable the addition of such EV charging stations in the future.

Response:

Four onsite EV charging stations are proposed near the pool/common area. Provision of the 4 EV charging stations onsite is in conformance with applicable City parking regulations for the existing zone. The anticipated life range of the proposed structures and how additional EV charging stations may be installed in the future do not raise an environmental

I am looking at Section 2.3.2 of the Draft EIR which proposes 38, 575 SF of private open space for the residents, divisible to each type of unit. Where is this open space? Is the developer including balconies? Does it include the roof patios? Does each unit have or does any unit have private patios? If "private" means occupants only, what area might local residents feel comfortable using? Are benches and/or tables provided in the vacated spaces near the sidewalks? If so, could these be used by the public?

50A-20

Section 2.3.3 states that automobile entry to the site is off Piraeus but it does not indicate an exit site and does state that a 26-foot-wide- interior roadway will go from Piraeus to Plato. Will Plato be the exit site? Or will residents be directed/required to exit onto Piraeus as the community prefers? Is it the driver's choice? We were told the Plato exit would be an emergency exit.

50A-21

Is a 3 by 3 foot grate adequate for excessive water runoff as occurred this past week or might be expected in the future as our climate changes? How about the capacity of off-site facilities for excessive runoff?

50A-22

I am concerned about unintended bird death against glass especially because of this development's proximity to Batiqitos Lagoon, a nature reserve for endangered bird species as well as a nursery for fish. I have movable screening on the outside of my own windows to keep birds from killing themselves by trying to fly through them especially during migratory seasons. The reflection of the outside world on the glass fools birds into thinking the glass opens to nature, not a room. This is a universal problem everywhere and quite a significant cause of bird fatality in the environmental record. It is possible to find solutions for instances in which glass is used for windows, separations or noise attenuation. What solutions will the developer use? What solutions will the city require? I suggest one-way glass for unshaded windows and tinted for the glass walls. There are other solutions as well. I have seen advertisements for outdoor glass embedded with bird deterrent invisible from the human side.

50A-23

Are four electrical vehicle charging stations adequate for the expected life of this project? What is the expected life of these buildings? A thirty year life expectancy is usual, in which case four stations will not be enough. What arrangements can be made to enable such stations to be added in the future?

50A-24

Concerning the plantings behind the northern retaining wall and in front of the reserved area, are you certain that any plants put there will either be those of coastal sage scrub, buckwheat, or chaparral communities? If not, what guarantees can biological experts provide that your plantings will not replace the plant communities you are required to preserve?

50A-25

Is it possible that this developer could be required to remove the nonnative giant reed just north of Skyloft Road? It may be that this reed occurs further east on Skyloft as well and would re-seed through runoff. If so, the developer could deposit a sum for use in future reclamation efforts. Will he? Will the city require such a sum?

50A-26

The City is already well aware of the F rating of La Costa roadway to the beach and 101. Will City please explain why this development will not add to that problem? Or why it is OK to add to that problem? What will the developer do to reduce car trips west over the freeway to 101? What will the City do?

50A-27

This area is the Gateway to Encinitas. I appreciate the measures the developer has taken to disguise his project and help it to blend into the bluff. But it doesn't. The I-5 Freeway has been designated as a view corridor. We ask you to protect the I-5 view corridor from this project. We believe it will be very visible in the corridor and disrupt the viewshed. Trees are proposed, but the vegetation in this area does not contain trees. The natural vegetation is low-growing shrubbery and trees will stand out as unnatural additions, topped by the high-rising conglomeration of buildings. Will the city once again make an offer to purchase this property as an addition to our proposed MHCP?

50A-28

Very truly yours,
Dolores Welty
2076 Sheridan Road
Encinitas, CA 92024
760-942-9897

concern pursuant to the provisions of CEQA. No further response is required.

50A-25

Comment Summary:

The commenter asks if there is certainty that the plantings proposed behind the northern retaining wall and in front of the reserved area would either be coastal sage scrub, buckwheat, or chapparral communities. The commenter asks that if such certainty does not exist, that guarantees are made to ensure that the project's proposed plantings do not replace the existing plant communities that the project is required to preserve.

Response:

It should be noted that, as shown on the project improvement plans, the area adjacent to the north of the retaining wall would be routinely maintained as a fuel modification zone; refer to EIR Figure 2.0-3, Conceptual Site Plan. As stated in EIR Section 2.3, Biological Resources, prior to any grading, a long-term management plan shall be prepared for the mitigation areas, to the satisfaction of the City and the Wildlife Agencies. Any replanting on- or offsite following project grading would be consistent with the approved landscape plan and/or overseen in conformance with wildlife agency permitting conditions pertaining to the preserve area.

50A-26

Comment Summary:

The commenter asks if the applicant could be required to remove the non-native reed just north of Skyloft Road and asks if the City would require the applicant to deposit a sum for use in future reclamation efforts related to the potential reseeding of the reed at the site.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

I am looking at Section 2.3.2 of the Draft EIR which proposes 38, 575 SF of private open space for the residents, divisible to each type of unit. Where is this open space? Is the developer including balconies? Does it include the roof patios? Does each unit have or does any unit have private patios? If "private" means occupants only, what area might local residents feel comfortable using? Are benches and/or tables provided in the vacated spaces near the sidewalks? If so, could these be used by the public?

50A-20

'Section 2.3.3 states that automobile entry to the site is off Piraeus but it does not indicate an exit site and does state that a 26-foot-wide- interior roadway will go from Piraeus to Plato. Will Plato be the exit site? Or will residents be directed/required to exit onto Piraeus as the community prefers? Is it the driver's choice? We were told the Plato exit would be an emergency exit.

50A-21

Is a 3 by 3 foot grate adequate for excessive water runoff as occurred this past week or might be expected in the future as our climate changes? How about the capacity of off-site facilities for excessive runoff?

50A-22

I am concerned about unintended bird death against glass especially because of this development's proximity to Batiquitos Lagoon, a nature reserve for endangered bird species as well as a nursery for fish. I have movable screening on the outside of my own windows to keep birds from killing themselves by trying to fly through them especially during migratory seasons. The reflection of the outside world on the glass fools birds into thinking the glass opens to nature, not a room. This is a universal problem everywhere and quite a significant cause of bird fatality in the environmental record. It is possible to find solutions for instances in which glass is used for windows, separations or noise attenuation. What solutions will the developer use? What solutions will the city require? I suggest one-way glass for unshaded windows and tinted for the glass walls. There are other solutions as well. I have seen advertisements for outdoor glass embedded with bird deterrent invisible from the human side.

50A-23

Are four electrical vehicle charging stations adequate for the expected life of this project? What is the expected life of these buildings? A thirty year life expectancy is usual, in which case four stations will not be enough. What arrangements can be made to enable such stations to be added in the future?

50A-24

Concerning the plantings behind the northern retaining wall and in front of the reserved area, are you certain that any plants put there will either be those of coastal sage scrub, buckwheat, or chaparral communities? If not, what guarantees can biological experts provide that your plantings will not replace the plant communities you are required to preserve?

50A-25

Is it possible that this developer could be required to remove the nonnative giant reed just north of Skyloft Road? It may be that this reed occurs further east on Skyloft as well and would re-seed through runoff. If so, the developer could deposit a sum for use in future reclamation efforts. Will he? Will the city require such a sum?

50A-26

The City is already well aware of the F rating of La Costa roadway to the beach and 101. Will City please explain why this development will not add to that problem? Or why it is OK to add to that problem? What will the developer do to reduce car trips west over the freeway to 101? What will the City do?

50A-27

This area is the Gateway to Encinitas. I appreciate the measures the developer has taken to disguise his project and help it to blend into the bluff. But it doesn't. The I-5 Freeway has been designated as a view corridor. We ask you to protect the I-5 view corridor from this project. We believe it will be very visible in the corridor and disrupt the viewshed. Trees are proposed, but the vegetation in this area does not contain trees. The natural vegetation is low-growing shrubbery and trees will stand out as unnatural additions, topped by the high-rising conglomeration of buildings. Will the city once again make an offer to purchase this property as an addition to our proposed MHCP?

50A-28

Very truly yours,
Dolores Welty
2076 Sheridan Road
Encinitas, CA 92024
760-942-9897

50A-27

Comment Summary:

The commenter notes the level of service F rating of La Costa Avenue from the beach and Coast Highway 101. The commenter asks for more information regarding the project's impacts on this issue and how the City and applicant would reduce vehicle trips traveling west over Interstate 5 to Coast Highway 101.

Response:

Please refer to Master Response 1. The addition of project generated traffic to La Costa Avenue would not result in a degradation of existing traffic conditions, and no offsite roadway or intersection improvements are required or proposed.

50A-28

Comment Summary:

The commenter states that the project is located in an area considered to be the Gateway to Encinitas and expresses concern over potential impacts on the I-5 view corridor. The commenter asks that the City protect the view corridor from the project and that landscaping proposed would not be consistent with existing vegetation found in the neighborhood. The commenter asks that the City consider purchasing the property as an addition to the proposed MHCP.

Response:

Refer to Master Response 4. Section 2.1, Aesthetics, of the EIR provides an evaluation of the project's potential effects on area scenic resources and public views and determined that a less than significant impact would occur with project implementation. The conceptual landscape plan prepared for the project is in conformance with City landscaping requirements and is subject to the City's discretionary review process. The proposed plantings are therefore considered to be appropriate for the site and effective in providing visual screening of views to the site from offsite public vantage points, including from the I-5 corridor.

From: Dolores Welty <dwelty2076@earthlink.net>
Sent: Sunday, February 5, 2023 2:09 PM
To: Nick Koutoufidis; Kathy Hollywood
Cc: Dolores Welty
Subject: Piraeus Point Draft EIR

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

TO: CITY OF ENCINITAS PLANNING COMMISSION

RE: PIRAEUS POINT DEVELOPMENT

February 5, 2023

Dear Planning Commission:

Thank you for this opportunity to comment. This is my second letter to you concerning the EIR for this project. This property has been designated as desirable for inclusion in the City of Encinitas' Natural Communities Conservation Planning Act (1991) and designated as critical habitat for the California Gnatcatcher by the U.S. Department of Fish and Game.

In fact, the City made an attempt to purchase the property. However, rumors of the new "By-Right" and other Housing Bills were circulating and the owner held out in hope of being designated such a property. It appears the city up-zoned this property so that they would not be accused of causing the owner to lose value, resulting in a lawsuit. However, none of this changes the value of the property as a preserve. Had Encinitas completed their promised HCP, this property would have been included -- and still should be.

I am attaching to this letter a list of City of Encinitas Land Use Policies to consider and follow in your evaluation of the proposed Piraeus Point project.

First of all, the request of the developer to intrude on the bluff so as to require a 40-foot retaining wall cannot be allowed under policy 2.1.1. This rule must not be broken. Allowing this concession sets a precedent that will cause the city trouble in the future. This concession/waiver must be denied. The request to exceed the permitted 6 feet of retaining wall comes under design review and can easily be denied (I quote Staff Advisory Committee: FINAL MEETING NOTES of October 13, 2021: "Retaining walls are limited to six feet in height; however, the height may be proposed to exceed six feet through the design review permit."). Will the city deny this bluff intrusion through its mandate of design review?

Since the lower (25 du/net acre) number of dwelling units allowed are calculated upon the slope adjusted net acreage, what is the slope adjusted net acreage when calculated without the 40-foot retaining wall?

Second, six developments are planned surrounding the La Costa Boulevard section of Leucadia. The impacts of each have been dealt with separately in a piecemeal fashion. The city lacks school space, public transportation and road facilities as well as playgrounds for the cumulative impacts of these projects. Piraeus Point is particularly lacking in these public amenities and very little can be done about them. Will La Costa be widened or continued to be choked by the bridge over the railroad track? Will SANDAG give Piraeus a south ramp onto the freeway at Leucadia Blvd. or continue to route traffic through the neighborhood? Will the new promised elementary school be built and will the citizens of

50B-1

50B-2

50B-3

50B-4

50B-5

50B Dolores Welty

50B-1

Comment Summary:

The commenter indicates that she previously submitted comments to the City. The commenter notes that the City's Natural Communities Conservation Planning Act considers the project site eligible for inclusion in the Act and that USFWS designates the site as critical habitat for the California gnatcatcher.

Response:

This comment is an introduction and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

50B-2

Comment Summary:

According to the commenter, the City previously attempted to purchase the project site, but refrained from doing so to avoid a lawsuit. The commenter asserts that the property is a preserve area and notes that the site would've been included in the City's HCP, had it been completed.

Response:

This comment is an introduction and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

50B-3

Comment Summary:

The commenter notes that they are including a list of land use policies for the City to consider during their assessment of the proposed project.

Response:

The commenter does not raise a specific environmental concern pursuant to the provisions of CEQA, nor is the adequacy of the EIR questioned. No further response is required.

Preface and Responses to Comments

From: Dolores Welty <dwelty2076@earthlink.net>
Sent: Sunday, February 5, 2023 2:09 PM
To: Nick Koutoufidis; Kathy Hollywood
Cc: Dolores Welty
Subject: Piraeus Point Draft EIR

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

TO: CITY OF ENCINITAS PLANNING COMMISSION

RE: PIRAEUS POINT DEVELOPMENT

February 5, 2023

Dear Planning Commission:

Thank you for this opportunity to comment. This is my second letter to you concerning the EIR for this project. This property has been designated as desirable for inclusion in the City of Encinitas' Natural Communities Conservation Planning Act (1991) and designated as critical habitat for the California Gnatcatcher by the U.S. Department of Fish and Game.

50B-1

In fact, the City made an attempt to purchase the property. However, rumors of the new "By-Right" and other Housing Bills were circulating and the owner held out in hope of being designated such a property. It appears the city up-zoned this property so that they would not be accused of causing the owner to lose value, resulting in a lawsuit. However, none of this changes the value of the property as a preserve. Had Encinitas completed their promised HCP, this property would have been included -- and still should be.

50B-2

I am attaching to this letter a list of City of Encinitas Land Use Policies to consider and follow in your evaluation of the proposed Piraeus Point project.

50B-3

First of all, the request of the developer to intrude on the bluff so as to require a 40-foot retaining wall cannot be allowed under policy 2.1.1. This rule must not be broken. Allowing this concession sets a precedent that will cause the city trouble in the future. This concession/waiver must be denied. The request to exceed the permitted 6 feet of retaining wall comes under design review and can easily be denied (I quote Staff Advisory Committee: FINAL MEETING NOTES of October 13, 2021: "Retaining walls are limited to six feet in height; however, the height may be proposed to exceed six feet through the design review permit."). Will the city deny this bluff intrusion through its mandate of design review?

50B-4

Since the lower (25 du/net acre) number of dwelling units allowed are calculated upon the slope adjusted net acreage, what is the slope adjusted net acreage when calculated without the 40-foot retaining wall?

Second, six developments are planned surrounding the La Costa Boulevard section of Leucadia. The impacts of each have been dealt with separately in a piecemeal fashion. The city lacks school space, public transportation and road facilities as well as playgrounds for the cumulative impacts of these projects. Piraeus Point is particularly lacking in these public amenities and very little can be done about them. Will La Costa be widened or continued to be choked by the bridge over the railroad track? Will SANDAG give Piraeus a south ramp onto the freeway at Leucadia Blvd. or continue to route traffic through the neighborhood? Will the new promised elementary school be built and will the citizens of

50B-5

50B-4

Comment Summary:

The commenter asserts that the proposed 40-foot retaining wall violates the General Plan and feels that the request to exceed the allowable retaining wall height should be denied during design review. The commenter requests information regarding the slope adjusted net acreage for the site if the proposed retaining wall is not included.

Response:

Refer to Master Response 4.

50B-5

Comment Summary:

The commenter asserts that the impacts associated with six projects in Leucadia have been analyzed in a "piecemeal fashion" and that the City would be unable to accommodate the cumulative impacts on certain public amenities associated these projects. The commenter believes that the proposed project lacks certain public amenities, specifically school space, public transportation, road facilities, and playgrounds, and asserts that the project violates the General Plan.

Response:

Please refer to Master Responses 1 and 2 and Response 15-2 above. The City will evaluate project consistency with the General Plan goals and policies when evaluating whether to approve to project.

Encinitas pass the bond issue needed? Where will a neighborhood playground be located? Peace-meal development, especially when forced by state law, is self-defeating and ignorant. Piraeus Point offends Policy 2.1.3 and Policy 2.3 as well as Policy 2.10 in these aspects and must be denied.

50B-5
cont'd

Third, Policy 2.1.4 states the need for a vote to increase density. This refers to the Citizen's Initiative Proposition A, and the weird suspension by the court of a citizen's initiative so that the state could intervene. What would be the result of a new suit? Piraeus Point did not come up for a vote.

50B-6

Fourth, Policies 6.6 and 2.1.2 lay out the need of the city to be sure new development preserves the character and safety of existing residential neighborhoods, preventing the urbanization of our small town character. Situated as it is at the Gateway of our city, this development advertises urbanization. As a multiple-residence set of rectangular buildings, it does not fit the neighborhood. This developer should be directed to land fronting El Camino Real or 101, not Piraeus. Those areas are more suited to dense development which should be denied in this space. Will the city help negotiate a property trade? The city does own vacant property. Perhaps the city could persuade the state that failed and empty businesses or shopping centers could be offered in a trade?

50B-7

Finally, according to the Staff Meeting Notes of October 13 (page 5), San Electric Vehicle charging at multi-family dwellings is to be provided on 15 percent of the parking spaces. This appears to include all spaces but the development offers only four. Is this a result of a waiver or concession? Why only four spaces?

50B-8

Again, thank you for this opportunity to comment. We have a balanced and knowledgeable Planning Commission. We admire your expertise and diligence and support you in your effort to maintain the policies and goals of the city.

50B-9

Sincerely,
Dolores Welty
2076 Sheridan Road
Encinitas, CA 92024
760-942-9897

50B-6

Comment Summary:

The commenter notes that the General Plan requires that a vote must be held to increase density and indicates that a vote was not held for the proposed project.

Response:

Per the R-30 overlay zone that applies to the property, up to 161 residential units could be developed without application of allowances under state Density Bonus laws (5.36 net acres x 30 dwelling units per acre (DU/acre). With the application of a density bonus, the project could support up to 310 homes [(6.88 gross acres x 30 DU/acre) x 1.5 density bonus]. The City's Housing Element Update identifies the project site as having a minimum density of 25 DU/acre. As such, residential development of the site would require a minimum of 134 units (5.26 net acres x 25 minimum DU/acre = 134 units). Therefore, the project as proposed (149 units) is considered to be consistent with applicable density allowances.

50B-7

Comment Summary:

The commenter indicates that certain General Plan policies require that new development preserve existing neighborhood character and safety. The commenter asserts that the proposed project, in its proposed location along Piraeus Street, would not be compatible with the existing neighborhood. The commenter feels that City should determine a more appropriate site for development of the proposed project.

Response:

Please refer to Master Responses 1 and 4.

50B-8

Comment Summary:

Based on available information from City staff, the commenter suggests that electric vehicle charging at the multi-family units should be provided on 15 percent of the onsite parking spaces; however, the project only proposes four spaces designated for electric vehicle charging. The

Preface and Responses to Comments

Encinitas pass the bond issue needed? Where will a neighborhood playground be located? Peace-meal development, especially when forced by state law, is self-defeating and ignorant. Piraeus Point offends Policy 2.1.3 and Policy 2.3 as well as Policy 2.10 in these aspects and must be denied.

50B-5
cont'd

Third, Policy 2.1.4 states the need for a vote to increase density. This refers to the Citizen's Initiative Proposition A, and the weird suspension by the court of a citizen's initiative so that the state could intervene. What would be the result of a new suit? Piraeus Point did not come up for a vote.

50B-6

Fourth, Policies 6.6 and 2.1.2 lay out the need of the city to be sure new development preserves the character and safety of existing residential neighborhoods, preventing the urbanization of our small town character. Situated as it is at the Gateway of our city, this development advertises urbanization. As a multiple-residence set of rectangular buildings, it does not fit the neighborhood. This developer should be directed to land fronting El Camino Real or 101, not Piraeus. Those areas are more suited to dense development which should be denied in this space. Will the city help negotiate a property trade? The city does own vacant property. Perhaps the city could persuade the state that failed and empty businesses or shopping centers could be offered in a trade?

50B-7

Finally, according to the Staff Meeting Notes of October 13 (page 5), San Electric Vehicle charging at multi-family dwellings is to be provided on 15 percent of the parking spaces. This appears to include all spaces but the development offers only four. Is this a result of a waiver or concession? Why only four spaces?

50B-8

Again, thank you for this opportunity to comment. We have a balanced and knowledgeable Planning Commission. We admire your expertise and diligence and support you in your effort to maintain the policies and goals of the city.

50B-9

Sincerely,
Dolores Welty
2076 Sheridan Road
Encinitas, CA 92024
760-942-9897

commenter asks for the reason the project is only providing these four spaces.

Response:

Refer to Response 50A-25 above.

50B-9

Comment Summary:

The commenter thanks the City for the opportunity to provide comments and thanks the Planning Commission in its efforts to maintain the City's goals and policies.

Response:

This comment is made in summary and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

The Famous.....Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
760.633.2692

Feb 4, 2023

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Dear City of Encinitas,

It was with happiness that I saw that Encinitas is finally building new housing. Its much needed in our City and State. I write here to comment on this local housing plan referenced above.

The Passage of Time:

The units proposed are very unfriendly to the disabled and the elderly. All units sold will have older people visiting relatives, grandparents, etc. The owners of these units additionally will age with time. Yes, the 35 year old that buys this unit will age to age 65 in 30 years. Thus, these 3 level units are not friendly for housing for all Californians.

Additionally if a vision that this is for younger people, disabilities develop over time. The Council for disability Awareness states that "Just over 1 in 4 of today's 20 year-olds will become disabled before they retire.

"Accidents are NOT usually the culprit. Back injuries, cancer, heart disease and other illnesses cause the majority of long-term absences"

Not Ready for Today:

My son is in a wheelchair and is interested in obtaining one of these units in our neighborhood. This letter to confirm notice that a disabled individual is interested in this very close housing and to request accommodations for housing construction and parking.

51-1
51-2
51-3

51 Richard Weston

51-1

Comment Summary:

The commenter indicates that he is pleased that the City is building much needed new housing.

Response:

This comment is introductory and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

51-2

Comment Summary:

The commenter asserts that the project as proposed is not supportive of disabled and elderly individuals, particularly because the project proposes three-story buildings. The commenter indicates that the project should accommodate such individuals, as the owners of the units will age and potentially develop disabilities over time.

Response:

The project has been designed in accordance with applicable American Disability Act, California Building Code, and local design requirements. The comments do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

51-3

Comment Summary:

The commenter informs the City that their son is disabled and desires to reside in one of the proposed units. The commenter requests accommodations for housing construction and parking.

Preface and Responses to Comments

Not enough housing Units:

This project does not create enough housing for the area construction is proposed. It packs tiny little vertical homes in a small area. Better would be to create a 3 story condo complex with underground parking. More units would be accommodated and more friendly to the elderly and disabled. Parking is critical as there is no local accommodation available outside of this project borders.

51-4

Response:

The comments provided do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

51-4

Comment Summary:

The commenter feels that the proposed project would not provide enough housing units and suggests developing a three-story condo complex with underground parking instead. The commenter expresses that doing so would be more accommodating for disabled and elderly individuals and would provide sufficient parking onsite as local parking cannot be accommodated offsite under current conditions.

Parking

This is a critical deficiency. There is no on street parking available on Piraeus and Plato. The parking for the evitable overflow will clog local streets. This will cause a lot of foot traffic on Plato with safety implications as there is no sidewalks. Its already difficult to park on the local streets when residents above on Cauldor have parties. Its also difficult to see how garbage trucks will navigate the parking mess with garbage cans out on garbage days.

51-5

Response:

The City’s Housing Element Update identifies the project site as having a minimum density of 25 DU/acre. Residential development of the site would require a minimum of 134 units (5.26 net acres x 25 minimum DU/acre = 134 units). Therefore, the project as proposed (149 units) is considered to be consistent with applicable density allowances.

Parking for disabled at this project need to be Van Accessible. My son has a wheelchair van and I saw no disabled van parking for him or his friends to visit.

An underground parking garage should be required for this project.

Safety

The project does not have a safe way for children to go to the local school. Also because of parking limitations most visitors will have to walk up and down plato to parking. I have walked up Plato may times on local hikes/walks. Its dangerous as there are no sidewalks. Parents dropping off children at school speed up and down Plato. A sidewalk on the South side of the street needs to be constructed for walking and a lane constructed for ebikes that kids use now.

51-6

The comments provided do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

51-5

Comment Summary:

The commenter asserts that the project does not propose enough onsite parking which would cause residents to park offsite and congest local streets. The commenter indicates that this would result in an increased number of people walking on Plato Place, which presents safety concerns. The commenter expresses that onsite disabled parking should be van-accessible and feels that the project should provide underground parking.

Failure to consider this safety issue I believe will results in 1-2 deaths per decade and 5-10 injuries of children as they try to go to school at Capri.

Additionally, people visiting will attempt to park in any area available. Like Olympic park it will be an emergency as people illegally park and create safety hazards.

Response:

Please refer to Master Response 1. All onsite parking would be in conformance with applicable American Disability Act requirements

Not enough housing Units:

This project does not create enough housing for the area construction is proposed. It packs tiny little vertical homes in a small area. Better would be to create a 3 story condo complex with underground parking. More units would be accommodated and more friendly to the elderly and disabled. Parking is critical as there is no local accommodation available outside of this project borders.

51-4

Parking

This is a critical deficiency. There is no on street parking available on Piraeus and Plato. The parking for the evitable overflow will clog local streets. This will cause a lot of foot traffic on Plato with safety implications as there is no sidewalks. Its already difficult to park on the local streets when residents above on Cauldor have parties. Its also difficult to see how garbage trucks will navigate the parking mess with garbage cans out on garbage days.

51-5

Parking for disabled at this project need to be Van Accessible. My son has a wheelchair van and I saw no disabled van parking for him or his friends to visit.

An underground parking garage should be required for this project.

Safety

The project does not have a safe way for children to go to the local school. Also because of parking limitations most visitors will have to walk up and down plato to parking. I have walked up Plato may times on local hikes/walks. Its dangerous as there are no sidewalks. Parents dropping off children at school speed up and down Plato. A sidewalk on the South side of the street needs to be constructed for walking and a lane constructed for ebikes that kids use now.

51-6

Failure to consider this safety issue I believe will results in 1-2 deaths per decade and 5-10 injuries of children as they try to go to school at Capri.

Additionally, people visiting will attempt to park in any area available. Like Olympic park it will be an emergency as people illegally park and create safety hazards.

and applicable parking regulations to ensure that adequate parking is provided onsite for all residents and visitors. Accommodation for disabled individuals is not considered an environmental concern pursuant to the provisions of CEQA; however, such comments will be considered by the City in determining whether to approve the proposed project.

51-6

Comment Summary:

The commenter expresses safety concerns for children walking to the local school due to the lack of sidewalks along Plato Place and vehicles that speed along the road. The commenter feels that a sidewalk and an e-bike lane should be constructed along the south side of Plato Place. The commenter also asserts that guests of Piraeus Point residents will illegally park on local streets and create safety hazards.

Response:

Please refer to Master Responses 1 and 2.

Refer also to Master Response 1 pertaining to parking. Adequate parking will be provided onsite to accommodate future residents and their guests. Parking spillover onto local streets or illegal parking, as well as the potential for adverse effects on public safety to occur as a result, is speculative.

Preface and Responses to Comments

Equity of Low Income

The selection of low income housing should be conducted by the Encinitas Housing Authority. Expectations of Californians is that low income housing is that the ownership of these new units will go to low income individuals. History has shown that Encinitas has a history of allowing corporations to purchase low income housing. This should not be allowed. The Encinitas Housing Authority should select the low income housing recipients and give an annual report on its progress.

Additionally there is no section 8 housing set aside with this project. In order for all Californians to access housing Section 8 should have a set aside for section 8. Recent reports have over 1000 people on the section 8 housing list for Encinitas. Each project in California should have a section 8 set aside.

Traffic

Piraeus has traffic limitations due to the intersection at Leucadia Blvd. It only allows for northbound I5 Access. All southbound traffic has to go through the La Costa Intersection This intersection will be overwhelmed with traffic with the new project. Its already busy with the Park and Ride. Its really busy when the Goodwill station is in operation on weekends as well. The goodwill station should be closed contingent if this project is approved.

Very few cars can go through and make a left if the park and ride light is activated.

A dedicated right hand turn lane needs to be installed for this project.

Summary:

The project proposed is a good sign Encinitas is making progress. This specific project has severe issues with parking, traffic, disabled accommodations, and safety. There is no accommodation for disabled and elderly. The passage of time ensures this will be an issue in future. Parking is a critical issue. Traffic is a critical issue.

Regards,

Richard Weston
1751 Noma Lane
Encinitas, CA 92024

51-7

51-8

51-9

51-7

Comment Summary:

The commenter asserts that the Encinitas Housing Authority should be given authority to select low-income housing recipients and believes that Section 8 Housing should be set aside with the proposed project.

Response:

Environmental effects analyzed under CEQA must be related to a physical change (CEQA Guidelines, Section 15358(b)). Provision of the very low income housing units proposed with the project, as well as how future residents qualify for such housing, would occur in accordance with applicable housing laws regulating such uses. The commenter does not raise an environmental issue relative to the provisions of CEQA, nor question the adequacy of the EIR. No further response is required.

51-8

Comment Summary:

The commenter expresses concerns regarding existing traffic circulation along Piraeus Street and how the project would worsen traffic conditions at the La Costa Avenue intersection. The commenter feels that the project should implement a right-hand turn lane at the intersection.

Response:

Please refer to Master Response 1.

51-9

Comment Summary:

The commenter asserts that the proposed project indicates progress within the City. The commenter indicates that the project as proposed presents issues regarding parking, traffic, accommodations of the disabled and elderly, and public safety.

Response:

This comment is made in summary and identifies the commenter’s issues of concern noted previously. Refer to Responses 51-2 to 51-8.

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,

The Environmental Impact Report clearly shows the Piraeus Point project will increase traffic congestion in our Leucadia neighborhood. It's documented, and you can't deny the problem, or pretend it's not important. If you approve this 149 unit development, our friends and family will suffer. Forever...

And for what good? This development has never been about low-income housing. Builders can construct the same number of inexpensive homes as this plan without the other 134 full-price units. This project is just about creating windfall for people that don't live here. They don't drive our streets, send their kids to our schools, or vote in our city elections.. They get fantastically wealthy, while we pay the consequences. It's not right. There's no measure that makes this project a benefit to the community.

I beg of you, as a representative of the people of Encinitas, don't approve Piraeus Point.

Sincerely,



Bill Wickett
1584 Caudor Street
Encinitas, CA 92024

52 William H. Wickett III

52-1

Comment Summary:

The commenter feels that the increased traffic congestion associated with the project would adversely affect the existing community. The commenter asserts that the intent of the project is to allow its residents to become wealthier, while existing residences of the surrounding community endure consequences.

Response:

Please refer to Master Response 1.

52-2

Comment Summary:

The commenter urges the City not to approve the proposed project.

Response:

This comment is made in summary and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

52-1

52-2

Preface and Responses to Comments

From: mawickett (mawickett@aol.com)
To: nkoutoufidis@encinitasca.gov
Date: Monday, February 6, 2023, 03:35 PM PST

Dear Mr. Koutoufidis,

I am opposed to the Piraeus Point project as it currently exists for many reasons.

- 1. There is little infrastructure to support a large project such as this one. Public transportation is over a mile away. Many folks living in low income housing need public transportation to get essentials such as food and medications. There are no food sources such as grocery stores in the area. There are no pharmacies.
- 2. The walk for school children to Capri Elementary remains dangerous even with your promises for solutions. Capri Elementary is overcrowded. The bus stop for the middle school requires a moderate walk along narrow windy streets.
- 3. Traffic is a huge problem and it appears to have few or no solutions other than to greatly increase the volume through narrow windy streets.
- 4. Parking is a huge problem and should in no way flow onto surrounding neighborhood streets.
- 5. HOA fees-will the low income families have to pay HOA fees? This is something they will not be able to afford.

53-1
53-2
53-3
53-4
53-5

I have many additional concerns, but these are the most important to me. I do believe that the property will eventually be developed, but it would be so much better if 50 units or less were built on the site. I know, the profits will decline, but many of the problems raised will be at least partially resolved.

53-6

The safety and well-being of the current neighborhood must be taken into account, particularly where children are involved. Increasing traffic is a danger to all, including the residents of Piraeus Place.

53-7

As a last point, all waivers and incentives must be denied before any development of any size or type takes place on the property.

53-8

Regards,
Maryann Wickett
1584 Caudor St.
Encinitas, CA 92024

53 Maryann Wickett

53-1

Comment Summary:

The commenter expresses opposition to the proposed project and states concern over the lack of public transportation in the vicinity of the project site which is needed to accommodate low-income residents, as well as the lack of grocery stores and pharmacies in the area.

Response:

The information provided does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

53-2

Comment Summary:

The commenter expresses concern regarding the safety of children walking to Capri Elementary School and states that the school is overcrowded.

Response:

Please refer to Master Responses 1 and 2.

53-3

Comment Summary:

The commenter asserts that project-generated traffic is a substantial concern with few or no solutions. The commenter states that the project would greatly increase traffic volumes on area streets which are narrow and windy.

Response:

Please refer to Master Response 1.

53-4

Comment Summary:

The commenter expresses that parking is an issue that should not impact the nearby roads.

From: mawickett (mawickett@aol.com)
To: nkoutoufidis@encinitasca.gov
Date: Monday, February 6, 2023, 03:35 PM PST

Dear Mr. Koutoufidis,

I am opposed to the Piraeus Point project as it currently exists for many reasons.

- 1. There is little infrastructure to support a large project such as this one. Public transportation is over a mile away. Many folks living in low income housing need public transportation to get essentials such as food and medications. There are no food sources such as grocery stores in the area. There are no pharmacies. 53-1
- 2. The walk for school children to Capri Elementary remains dangerous even with your promises for solutions. Capri Elementary is overcrowded. The bus stop for the middle school requires a moderate walk along narrow windy streets. 53-2
- 3. Traffic is a huge problem and it appears to have few or no solutions other than to greatly increase the volume through narrow windy streets. 53-3
- 4. Parking is a huge problem and should in no way flow onto surrounding neighborhood streets. 53-4
- 5. HOA fees-will the low income families have to pay HOA fees? This is something they will not be able to afford. 53-5

I have many additional concerns, but these are the most important to me. I do believe that the property will eventually be developed, but it would be so much better if 50 units or less were built on the site. I know, the profits will decline, but many of the problems raised will be at least partially resolved. 53-6

The safety and well-being of the current neighborhood must be taken into account, particularly where children are involved. Increasing traffic is a danger to all, including the residents of Piraeus Place. 53-7

As a last point, all waivers and incentives must be denied before any development of any size or type takes place on the property. 53-8

Regards,
Maryann Wickett
1584 Caudor St.
Encinitas, CA 92024

Response:

Please refer to Master Response 1.

53-5

Comment Summary:

The commenter feels that low-income residents will not be able to afford HOA fees, if they are required to pay these fees.

Response:

The comments provided do not raise an issue of concern relative to CEQA or question the adequacy of the EIR. No further response is required.

53-6

Comment Summary:

The commenter asserts that project-generated traffic poses potential safety concerns for future residents of the project and for existing residents of the surrounding community. The commenter states that the safety and well-being of the existing community, particularly children, must be considered.

Response:

Please refer to Master Response 1.

53-7

Comment Summary:

The commenter asserts that any waivers or incentives associated with development of the project site should be denied by the City.

Response:

The comments do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

YIMBY Law

57 Post St, Suite 908
San Francisco, CA 94104
hello@yimbylaw.org



2/24/2023

Encinitas Planning Commission
505 South Vulcan Avenue
Encinitas, CA 92024

dgay@encinitasca.gov
Via Email

Re: Piraeus Point

Dear Encinitas Planning Commission,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA). As you know, the Planning Commission has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

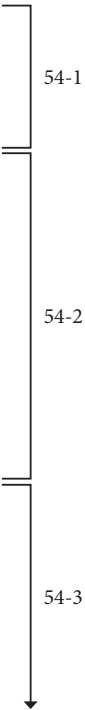
Piraeus Point is planned to include 149 townhomes and nearly 5 acres of preserved open space. The project site is comprised of two parcels totaling 11.8-acres. This vacant lot is located at the northeast corner of Piraeus Street and Plato Place in the Leucadia community of Encinitas.

The development footprint is limited to the southern parcel which is one of 16 sites included in the City of Encinitas Housing Element Update (adopted by the City of Encinitas on March 13, 2019). The Residential 30 Overlay (R30 OL) was added to a portion of the project site as part of the Housing Element Update. This overlay allows for 25-30 homes per acre, which equates to up to 206 homes.

The development footprint is largely comprised of previously disturbed land in order to minimize the project's environmental impacts. In addition to the R-30 Overlay, the project site is designated as RR1 (Rural Residential; 0.51-1.0 du/ac), and RR2 (Rural Residential; 1.01-2.0 du/ac) by the City's General Plan and zoning ordinance.

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety. With the requested concessions and/or waivers available under State Density Bonus Law, this project is zoning and general plan compliant.

Given that the above captioned proposal is zoning compliant and general plan compliant, your



Comments Received After Public Review

54 YIMBY Law

54-1

Comment Summary:

The comment summarizes the mission of the non-profit corporation, indicating that the organization is aimed at increasing the accessibility and affordability of housing in California.

Response:

This comment is introductory and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

54-2

Comment Summary:

The commenter summarizes the project components, the existing setting, and location.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

54-3

Comment Summary:

This comment summarizes the provisions of California Government Code §65589.5 (Housing Accountability Act). The commenter indicates that the proposed project is compliant with the City's General Plan and with existing zoning and states that the City must approve the development application or make findings demonstrating that the proposed project would have an adverse impact on public health and safety, pursuant to the Housing Accountability Act.

local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above. Should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,



Sonja Trauss
Executive Director
YIMBY Law

↑ 54-3,
cont'd
] 54-4

Response:

The City acknowledges the comments provided and will consider such information in evaluating whether to approve the project. The comments provided do not raise an environmental concern pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

54-4

Comment Summary:

This comment is in summary and identifies the commenter's role in YIMBY Law. The commenter indicates she is a resident of California and is affected by the shortage of housing in the State.

Response:

This comment is in summary and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

YIMBY Law, 57 Post Street, Suite 908, San Francisco, CA 94104

Nick Koutoufidis,
Development Service Department
City of Encinitas, 505 N. Vulcan Ave.
Encinitas, CA 92024
nkoutoufidis@encinitasca.gov

Piraeus Point Townhomes. CASE NUMBER: MULTI-005158-2022; GDP-005161-2022;
DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No.
2022050516)

My name is Crystal Wells. I am a homeowner at 1735 Caudor St. in Leucadia, and a lifetime resident of Encinitas. I am expressing my concern over the proposed Piraeus Point Townhomes project. There are many issues about the location and size of the project that I would like to point out. This proposed development is a horrible decision. More options and locations are out there.

55-1

Fundamentally, the project is not a good fit for the neighborhood. I understand that the developer has asked for incentives and waiver regarding his inability to afford the required underground utilities. If this is true, this is a glaring red flag. The developer has asked to cut more deeply into the bluffs. If that is true, this is another red flag; that strongly indicates that the entire development is too large for the area. Access and egress throughout our neighborhoods winding and hilly roads, including many busy and somewhat blind intersections, is already unsafe. Should there be a fast-spreading structure or brush fire throughout our community, I am not sure how people will escape down Plato and Piraeus and the very few other exits onto busy roads. Gridlock would surely be a huge concern and could cost lives. It goes without saying wildlife, flora, and the unnatural erosion of the land will suffer from this project. The EIR should address the impact this project would contribute to impairing a safe evacuation plan.

55-2

Leadership must do better. The parcel was poorly chosen and this EIR confirms it, noting so many restrictions requiring waivers. Consider the projects former city leaders allowed and look at how poorly they now affect us all. In many cases, they thought they were making good decisions, but they were wrong. Today you must error on the side of caution when you propose new builds. As leaders, you must be able to say no to aggressive developers. If you are required to build more homes, offer citizens better solutions, more low income units per development, and smaller developments that do not negatively impact our well-established residential communities and choke our traffic to the point-of-madness.

55-3

I wholeheartedly oppose this project and request that leadership disapprove this unsafe, unreasonable and unwanted project immediately.

55-4



55 Crystal Wells

55-1

Comment Summary:

The commenter indicates that she is a homeowner and resident of Leucadia and states opposition to the project due to its proposed location and size.

Response:

This comment is introductory and does not raise an issue of environmental concern relative to CEQA. No further response is required. refer to subsequent comments provided.

55-2

Comment Summary:

The commenter asserts that the project as proposed is not a good fit for the neighborhood. The commenter feels that the proposed waivers and incentives are “red flags,” and references the applicant’s request to not underground the utilities and to exceed allowable slope encroachment. The commenter also expresses concern regarding increased neighborhood traffic using the narrow roadways and project impacts relative to wildlife, flora, and unnatural erosion of the affected lands. The commenter questions the adequacy of local roads to handle increased traffic during emergency evacuation or a wildfire event and requests that the EIR address the potential for the project to impair a safe evacuation plan.

Response:

Please refer to Master Responses 1 and 4. Potential impacts of the proposed project relative to biological resources and the potential for erosion are analyzed in EIR Section 3.3, Biological Resources, and Section 3.6, Geology and Soils. Impacts to biological resources would be mitigated to a level of less than significant. No potential adverse effects relative to geology and soils were identified for the project, and impacts would be less than significant.

Refer to Response 7-1 regarding emergency evacuation. As discussed in EIR Section 3.7, Hazards and Hazardous Materials, activities associated

Nick Koutoufidis,
Development Service Department
City of Encinitas, 505 N. Vulcan Ave.
Encinitas, CA 92024
nkoutoufidis@encinitasca.gov

Piraeus Point Townhomes. CASE NUMBER: MULTI-005158-2022; GDP-005161-2022;
DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No.
2022050516)

My name is Crystal Wells. I am a homeowner at 1735 Caudor St. in Leucadia, and a lifetime resident of Encinitas. I am expressing my concern over the proposed Piraeus Point Townhomes project. There are many issues about the location and size of the project that I would like to point out. This proposed development is a horrible decision. More options and locations are out there.

55-1

Fundamentally, the project is not a good fit for the neighborhood. I understand that the developer has asked for incentives and waiver regarding his inability to afford the required underground utilities. If this is true, this is a glaring red flag. The developer has asked to cut more deeply into the bluffs. If that is true, this is another red flag; that strongly indicates that the entire development is too large for the area. Access and egress throughout our neighborhoods winding and hilly roads, including many busy and somewhat blind intersections, is already unsafe. Should there be a fast-spreading structure or brush fire throughout our community, I am not sure how people will escape down Plato and Piraeus and the very few other exits onto busy roads. Gridlock would surely be a huge concern and could cost lives. It goes without saying wildlife, flora, and the unnatural erosion of the land will suffer from this project. The EIR should address the impact this project would contribute to impairing a safe evacuation plan.

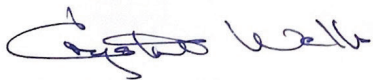
55-2

Leadership must do better. The parcel was poorly chosen and this EIR confirms it, noting so many restrictions requiring waivers. Consider the projects former city leaders allowed and look at how poorly they now affect us all. In many cases, they thought they were making good decisions, but they were wrong. Today you must error on the side of caution when you propose new builds. As leaders, you must be able to say no to aggressive developers. If you are required to build more homes, offer citizens better solutions, more low income units per development, and smaller developments that do not negatively impact our well-established residential communities and choke our traffic to the point-of-madness.

55-3

I wholeheartedly oppose this project and request that leadership disapprove this unsafe, unreasonable and unwanted project immediately.

55-4



with the project are not anticipated to impede the free movement of emergency response vehicles, as well as other vehicles, along local roadways. A Fire Protection Plan was prepared by FIREWISE 2000, Inc. (FIREWISE 2022; EIR **Appendix O**), for the project. Based on evaluation of the project as designed, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan and impacts were determined to be less than significant. Refer also to EIR Section 3.15, Wildfire, and EIR Appendix G, Fire Protection Plan.

55-3

Comment Summary:

The commenter feels that the project site was poorly chosen and asserts that the project has many restrictions requiring waivers. The commenter believes that the City should build residential developments that would not adversely impact existing residential communities and cause increased traffic issues.

Response:

Please refer to Master Responses 1 and 4. As indicated in EIR Section 2.1, Project Overview and Location, the project would utilize State Density Bonus Law. Density Bonus Law allows projects to utilize up to three concessions and unlimited waivers. The project proposes to use only one incentive and one waiver.

This comment does not raise specific environmental concerns pursuant to the provisions of CEQA. No further response is required.

55-4

Comment Summary:

The commenter expresses opposition to the proposed project and believes it to be unsafe, unreasonable, and unwanted.

Response:

This comment is a conclusion and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

INTRODUCTION

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

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

PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

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

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

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

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

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

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

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

~~This~~ The Draft EIR ~~is being~~ was distributed to agencies, organizations, and interested groups and persons for a 60-day review period in accordance with CEQA Guidelines Section 15087. The City will consider ~~and respond in writing to~~ all environmentally-related comments received during the review period prior to any action being taken on the project.

PROJECT SYNOPSIS

Lennar Homes of California, LLC. (applicant) proposes the development of a 149-home residential townhome community in the City of Encinitas. The project site is identified as one of 16 sites included in the City of Encinitas Housing Element Update, which the City adopted on March 13, 2019.

The project site is comprised of one parcel totaling approximately 6.88 gross acres [County of San Diego Assessor parcel number (APN) 254-144-01-00]. Additionally, the project includes a proposed “off-site preserve area” comprised of APN 216-110-35-00, totaling approximately 4.95 acres (gross). The proposed off-site preserve area would be preserved in perpetuity and left in its current undeveloped state in order to mitigate for biological impacts resulting from development of the project site.

The project includes a street vacation along portions of Piraeus Street and Plato Place. With City approval, an approximately 0.25 acre area along Plato Place and 0.71 acre area along Piraeus Street, adjacent to the project boundary, would be vacated. With approval of the vacation,

approximately 0.96 acres would therefore be added to the total (gross) acreage of the project site.¹

The proposed development would consist of 52 one-bedroom homes, 37 two-bedroom homes, and 60 three-bedroom homes for a total of 149 residential units, which would be built within 16 individual three-story residential buildings. Of the 149 residential units, 134 would be market-rate homes and 15 would be “very low” income affordable homes. Proposed amenities include a pool, spa, pool house, and lounge seating. A total of 246 private garage parking spaces are planned, along with an additional 25 shared surface parking spaces for use by residents and their guests.

The project site is located within the Coastal Zone. City approval of a Condominium Tentative Map, Density Bonus Application, Street Vacation, Design Review Permit, and Coastal Development Permit (non-appealable) will be required (MULTI-005158-2022; CDP-005161; DR-005160-2022; and SUB-005159-2022).

ISSUES RAISED DURING SCOPING

In accordance with CEQA Guidelines Section 15082, the City prepared and distributed a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the project that was circulated for public review on May 26, 2022, with a comment deadline of June 25, 2022. The NOP comment period is intended to notify responsible agencies, trustee agencies, and the public that the City, acting as the lead agency, would be preparing an EIR for the project. The City determined the scope of the analysis for this EIR as a result of initial project review and consideration of agency and public comments received in response to the NOP. For more information regarding the NOP process, refer to Section 1.0. The NOP and the NOP comments are included in Appendix A to this EIR.

A Citizen Participation Program (CPP) public meeting was held for the proposed project on June 7, 2022 at Encinitas City Hall.

Key areas of concern, as conveyed during the NOP and CPP processes, are summarized below. While the list below summarizes all of the concerns raised, CEQA limits the EIR to evaluation of the project’s physical impacts to the environment. A full range of economic and social considerations associated with the proposed project will be evaluated by City decisionmakers; however, pursuant to the provisions of CEQA, analysis and discussion of such considerations are not included in this EIR.

¹ Note that the project applicant is not including the additional 0.96 acres as part of the yield analysis.

- Visual effects; potential aesthetic impacts on historic viewsheds and scenic corridor
- Maintain the “rural” character of the local community and surrounding neighborhood
- Proposed building height relation to surrounding residential neighborhood
- Potential visual effects from proposed on-site retaining walls
- Compatibility with existing neighborhood character; project design
- Nighttime lighting effects on dark skies
- Residential density proposed; exceedance of residential zoning allowances
- Effects on air quality from dust generation during construction and increased vehicle traffic during operations
- Impacts on biological resources, particularly on the off-site preserve area (direct impacts on sensitive resources; indirect impacts from runoff, light, noise, domestic pets, [wildlife corridor](#))
- Geologic/soils issues due to prior landslide events on-site and proximity to Rose Canyon and La Costa Faults; Instability of inland bluffs
- Release of hazardous materials or fumes from on-site soils (former on-site agricultural use) during project grading and excavation activities
- Protection of natural drainages from runoff; maintaining stormwater quality
- Drainage effects; potential for increased flooding to occur
- Noise - both during construction and from occupancy of rooftop decks by project residents and park-goers (nearby Olympus Park, south of project site); increased noise on Interstate 5 (I-5) from contribution of project traffic
- Increased traffic on local streets; traffic congestion during both construction and operations and potential effects on emergency response
- Maintaining pedestrian and bicycle safety on local streets (during project construction and operation); safety of children walking to local elementary school; lack of area sidewalks
- Access to public transportation
- Increased demands on water, wastewater, and electrical infrastructure
- Adequacy of water supplies and potential effects on increased water use restrictions
- Protection of tribal cultural resources; potential for known and unknown on-site resources to be present
- Project effects on fire/other emergency evacuation; limited emergency access
- Increased risk of wildfire
- Qualifications for low-income housing recipients
- Inadequate provision of on-site parking
- Effects on neighborhood cleanliness; generation of debris
- Access improvements onto La Costa Avenue from Piraeus Street
- Potential for provision of left turn lane onto Leucadia Avenue from Piraeus Street

- School capacity (e.g., Capri Elementary School) and potential overcrowding
- Use of the off-site parcel as mitigation land and overall buildable area of the subject site

SUMMARY OF SIGNIFICANT EFFECTS

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

ISSUES TO BE RESOLVED BY THE DECISION-MAKING BODY

An EIR is an informational document intended to inform decision-makers and the public of the significant effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the proposed project. As the lead agency, the City of Encinitas must respond to each significant effect identified in this EIR by making “findings” for each significant effect. As part of the decision-making process, the City must determine whether or how to mitigate the associated significant effects of the project, including whether to implement a project alternative.

Approval of the project despite identified significant and unavoidable environmental impacts would require a Statement of Overriding Considerations, explaining why the benefits of the project outweigh the environmental effects, as set forth in this document.

SUMMARY TABLE

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

This page intentionally left blank.

**Table ES-1:
Environmental Impact Summary**

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
<i>Aesthetics</i>			
3.1-1 Would the project have a substantial adverse effect on a scenic vista?	Less than Significant	No mitigation measures required.	Less than Significant
3.1-2 Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Less than Significant	No mitigation measures required.	Less than Significant
3.1-3 Would the project substantially degrade the existing visual character or quality of the site and its surroundings?	Less than Significant	No mitigation measures required.	Less than Significant
3.1-4 Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less than Significant	No mitigation measures required.	Less than Significant
3.1-5 Would the project result in cumulative aesthetic impacts?	Less than Significant	No mitigation measures required.	Less than Significant
<i>Air Quality</i>			
3.2-1 Would the project conflict with or obstruct implementation of the applicable air quality plan?	Less than Significant	No mitigation measures required.	Less than Significant
3.2-2 Would the project expose sensitive receptors to substantial pollutant concentrations?	Potentially Significant	AQ-1 Install MERV-16 Filters Within Homes. During project construction, MERV-16 filtration systems shall be installed within each residence.	Less than Significant
3.2-3 Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.2-4 Would the project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?	Less than Significant	No mitigation measures required.	Less than Significant
Biological Resources			
3.3-1 Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	Potentially Significant	BIO-1 On- and Off-site Preservation of Sensitive Habitat. The majority of preservation goals and required mitigation ratios for impacted vegetation communities (see Tables 3-3, 4-1, and 6-1 of the Biological Technical Report; ECORP Consulting, Inc., November 2022) shall be met through establishment of the on-site and off-site adjacent Preserve Area. Prior to grading, establishment of the Preserve Area shall preserve in place 5.51 acres (on-site/off-site), including 100% (0.71-acre) of California Department of Fish and Wildlife sensitive Diegan Coastal Sage Scrub/Lemonade Berry Scrub and 72% (0.81-acre) of California Department of Fish and Wildlife sensitive Southern Mixed Chaparral/Chamise-Mission Manzanita Chaparral (Table 3-4 of the Biological Technical Report; ECORP Consulting, Inc., November 2022). Preservation in perpetuity of the vegetation and habitat within the aforementioned Preserve Area shall occur and be set aside as an open space conservation easement in favor of the City of Encinitas. No trails shall be permitted within the open space conservation easement. In addition, prior to any grading, a long-term management plan shall be prepared for the mitigation areas, to the satisfaction of the City, and the Wildlife Agencies. The preserve management plan shall provide an entity and endowment funding to maintain the biological open space in perpetuity. Such entity shall approve the endowment amount based on a Property Analysis Record or similar cost estimation method. Additionally, the long-term management plan shall include provisions	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p><u>stating that any planting stock planned to be brought onto the project site shall first be inspected by a qualified pest inspector to ensure that it is free of pest species that could invade natural areas of the adjacent preserve area. Stock determined to be infested with pests shall be quarantined, treated, or disposed of according to best management practices provided by the pest inspector to prevent invasions into the adjacent preserve area.</u></p> <p><u>All permanent lighting for the project adjacent to the preserve area shall be directed away from the preserve area, and lighting from the proposed residences adjacent to the preserve area shall be shielded with vegetation, as necessary.</u></p> <p>BIO-2 Biological Monitoring. A qualified biologist (biological monitor) with experience monitoring for and identifying sensitive biological resources known to occur in the area shall be present during all <u>staging, fencing, site preparation, vegetation clearing, and ground-disturbing activities related to the project</u> regardless of permit association <u>to the satisfaction of the City, permit requirements, and other environmental commitments made.</u></p> <p>A biological monitor shall be present to ensure wildlife species are relocated out of the impact area.</p> <p>The biological monitor, with assistance from crews <u>when necessary,</u> shall also deconstruct woodrat middens prior to vegetation clearing within the Development Area. Woodrat middens within the Fire Management Zone shall be protected in place to the maximum extent practicable, but may be deconstructed if deemed a fire hazard.</p> <p>Biological monitoring duties include, but are not limited to, conducting worker education training, verifying compliance with the project's biological resources protection requirements, <u>and periodically</u></p>	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p><u>monitoring the work area to ensure that work activities do not generate excessive amounts of dust and that impacts are restricted to the designation work areas. The biological monitor</u> .The biologist shall be responsible for providing <u>a Worker Environmental Awareness Training program with required elements to the project prior to the start of staging and construction activities, and be responsible for verifying that the Worker Environmental Awareness Training program has been provided to all personnel working on the project prior to the start of staging or construction activities.</u> to all personnel working on the project prior to the start of ground disturbing activities. The training shall include: <u>(i) the purpose for resource protection; (ii) a description of the gnatcatcher and its habitat; (iii) the compliance measures that should be implemented during project construction to conserve the sensitive resources, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); (iv) best management practices developed specifically for this project; (v) the protocol to resolve conflicts that may arise at any time during the construction process; and (vi) the general provisions of the environmental regulations that apply to the project, the need to adhere to the provisions of the Endangered Species Act, and the penalties associated with noncompliance with the Act and other regulations. The project shall maintain documentation on the implementation of the Worker Environmental Awareness Training. This documentation shall include education program materials and a record of workers that received the materials and information.</u> but not be limited to, discussions of the sensitive biological resources associated with the project, project specific measures to avoid or eliminate impacts to these resources, consequences for not complying with project</p>	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>permits and agreements, and contact information for the lead biologist. Attendees shall sign a sign-in sheet documenting their attendance at the training.</p> <p>During ground-disturbing activities, including any vegetation removal within the Development Area and Fire Management Zone the biological monitor shall have the right to halt all activities in the area affected if a special-status wildlife species is identified in a work area and is in danger of injury or mortality. If work is halted in the area affected as determined by the biological monitor, work shall proceed only after the hazard(s) to the individual is removed and the animal is no longer at risk, or the individual has been removed from harm’s way in accordance with the project’s permits and/or management/translocation plans. The biological monitor shall take representative photographs of the daily <u>monitored</u> activities and maintain a daily <u>monitoring</u> log that documents general project activities and compliance with the project’s biological resources protection requirements. The biologist shall document non-compliances in the daily <u>log</u>, including any measures that were implemented to rectify the issue.</p> <p><u>In order to ensure that the biological monitoring occurred during the grading phase of the project, a final biological monitoring report shall be prepared. The project biologist shall prepare the final biological monitoring report. The report shall substantiate the supervision of the grading activities, and confirm that grading or construction activities did not impact any additional areas or any other sensitive biological resources.</u></p> <p><u>The report shall include the following items:</u></p> <ul style="list-style-type: none"> <u>a. Photos of the fencing or temporary flagging that was installed during the trenching, grading, or clearing activities.</u> 	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>b. Monitoring logs showing the date and time that the monitor was on site.</p> <p>c. Photos of the site after the grading and clearing activities.</p> <p>The project biologist shall prepare the final report and submit it to the City for review and approval.</p> <p>BIO-3A Rare Plant Salvage and Avoidance. Establishment of the off-site preserve area (Mitigation-mitigation m Measure BIO-1) shall result in avoidance and protection of 103 California adolphia in place. Nine California adolphia individuals identified within the fuel modification zone FMZ shall be flagged prior to fuel reduction activities and avoided in place. Project-related impacts to 145 California adolphia individuals and 0.02-acre of California adolphia occupied habitat are anticipated to be unavoidable, therefore salvage of seed and donation to a City refuge or preserve, donation to a local native plant nursery, or propagation within an off-site mitigation area shall be required to the satisfaction of the City. A qualified biologist shall collect seed from the California adolphia during the appropriate time, store under appropriate conditions, and coordinate with the appropriate personnel to facilitate propagation of the seed. California adolphia individuals within the fuel modification zone (9 individuals) shall be flagged for avoidance by a qualified botanist prior to development and thinning of the fuel modification zone and a qualified botanist shall be present during vegetation thinning of the fuel modification zone to ensure avoidance is properly achieved. Run-off from the project shall be directed away from the off-site preserve area. Dust control measures shall be implemented during construction to minimize impacts to rare plants within the adjacent preserve area. (see mitigation measure BIO-1) as an ongoing requirement for long-term maintenance activities associated with the project, including annual maintenance of the fuel modification zone.</p>	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>BIO-3B <u>Project Landscaping Best Management Practices</u>. Project landscaping shall be limited to the development area and shall not include nonnative plant species that may be invasive to adjacent native habitats. The California Invasive Plant Council’s (IPC) “Invasive Plant Inventory” list shall be consulted to determine such nonnative plant species that are not to be included in project landscaping. Project landscaping adjacent to the preserve area shall not include species that require intensive irrigation, fertilizers, or pesticides, and run-off from the project shall be directed away from the offsite preserve area. The Applicant shall submit a draft list of species to be included in the landscaping to the Service at least 45 working days prior to initiating project landscaping and will allow the USFWS an opportunity to verify that no Cal-IPC invasive plants are proposed for use. The Applicant shall submit to the US Fish and Wildlife Service the final list of species to be included in the landscaping within 30 days of receiving concurrence on the draft list of species, if any changes are necessary. A list of prohibited invasive species shall also be provided in the Homeowner Association’s Covenants, Conditions, and Restrictions to the satisfaction of the US Fish and Wildlife Service.</p> <p>BIO-4A <u>Coastal California Gnatcatcher Protection and Pre-Construction Breeding Season Surveys</u>. Focused surveys determined presence of this species on the project <u>site</u>. Project-related impacts to two pairs (4 individuals) and their territories are unavoidable, therefore the project applicant shall obtain US Fish and Wildlife Service approval pursuant to Section 10 of the federal Endangered Species Act for the impacts to the coastal California gnatcatcher prior to the issuance of any grading permits. The on-site preservation of sensitive habitat (see mitigation measure BIO-1) would preserve one single male coastal California gnatcatcher territory in place and a small portion of one additional breeding pair’s territory. The preserve area would allow for the safe</p>	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>passage of the two displaced pairs of coastal California gnatcatchers to preserved habitat north of the project site and continuous with open space areas to the north, northeast (which includes at least one additional breeding pair of coastal California gnatcatchers within 500 feet of the off-site preserve area), and to Batiquitos Lagoon State Marine Conservation Area which functions to preserve important coastal-inland wildlife movement. If construction activities are planned within 500 feet of coastal sage scrub habitat during gnatcatcher breeding season, at least three pre-construction surveys shall be conducted a maximum of seven days prior to construction activities, one of which is to be performed the day immediately before beginning construction activities. The project shall require development of a Low-Effect Habitat Conservation Plan under Section 10 of the Endangered Species Act.</p> <p>BIO-4B Construction Best Management Practices. During construction, best management practices shall be implemented to minimize impacts to the coastal California gnatcatcher and avoid attracting its predators. The project site shall be kept clear of debris, including food-related trash items, and pets of project personnel shall not be permitted on the project site.</p> <p>BIO-4C Coastal California Gnatcatcher Compliance Monitoring. Due to the displacement of two pairs of coastal California gnatcatchers and the presence of suitable breeding habitat adjacent to the development, weekly compliance monitoring surveys shall be conducted by a 10(a)(1)(A) permitted gnatcatcher biologist throughout the coastal California gnatcatcher nesting season (February 15 to August 31) when initial vegetation removal, fence installation activities, and heavy construction activities are scheduled to occur within 500 feet of the preserve area(s) in order to avoid unanticipated impacts to this federally</p>	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p><u>listed species during the breeding season. Should an active coastal California gnatcatcher nest (e.g., nest with eggs or potential to hold eggs within one week, chicks, or fledglings still dependent on the nest) be found to occur within 500 feet of the project impact area, the Project Biologist shall establish a 500-foot buffer around the nest and will visibly flag the limits of the nest buffer in areas that overlap the project impact area. The contractor shall be immediately notified to stop work within the buffer and/or shift heavy construction activities to areas outside the 500-foot buffer until US Fish and Wildlife Service has been notified and noise monitoring measures below (mitigation measure BIO-4D) have been implemented.</u></p> <p><u>Nest updates shall occur on a weekly basis to update the nest status (active/inactive) and stage (incubation, nestlings, etc.). If no nesting behavior is observed after two hours of continuous observation and the 10(a)(1)(A) permitted gnatcatcher biologist has significant reason to believe that the nest is no longer active, the nest shall be approached to determine the state of the nest. Binoculars shall be used to the greatest extent practical to confirm gnatcatchers are no longer exhibiting breeding behaviors or tending to the nest prior to approaching the nest directly to determine the nest's fate. The Project Biologist shall use the distance to the project impact area and local topography to determine if construction activities are likely to significantly disturb nesting activities. The Project Biologist shall implement further measures to alleviate disturbance, including establishment of a noise monitoring station, turning off vehicle engines and other equipment whenever possible to reduce noise, recommendations for deployment of a temporary sound/visual barrier, and, if minimization measures are insufficient, temporarily halting construction activities within 500 feet during critical nest stages when abandonment is most likely to occur</u></p>	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p><u>(i.e., egg incubation). During this time, construction activities shall be directed to other areas farther than 500 feet from the active nest(s). Unrestricted construction activities may resume, with weekly compliance monitoring as described above, when the nest is deemed no longer active and no other active nests are found within 500 feet of the impact area.</u></p> <p>BIO-4D Coastal California Gnatcatcher Noise Monitoring. <u>Construction noise levels shall not exceed an hourly limit of 60 A-weighted decibel units (dBA) equivalent noise level or ambient level (whichever is greater) when construction is within 500 feet of an active nest. Noise monitoring shall be conducted daily when construction activities are scheduled to occur within 500 feet of an active coastal California gnatcatcher nest. Noise levels shall be monitored by a qualified biological monitor under the authority of the 10(a)(1)(A) permitted gnatcatcher biologist at a pre-established noise meter station that has been selected by the 10(a)(1)(A) permitted gnatcatcher biologist (no closer than 30 feet from the nest and that replicates the distance, topography, and vegetative screening of the nest location in proximity to the project impact area). Measurements of noise levels shall be conducted in 1 minute intervals for at least 60 minutes per each measurement. Results of the noise monitoring shall be documented in the daily monitoring log and charted in a graph. Construction activities that exceed the 60-dB hourly threshold shall be halted by the noise monitor until effective noise reduction measures have been implemented or until the nest is deemed no longer active by the Project Biologist.</u></p> <p>BIO-4E Coastal California Gnatcatcher Resident Education Program. <u>Prior to occupation of the project site, a resident education program shall be developed to advise residents of the occurrence of coastal California gnatcatchers in the project area how to prevent adverse impacts to</u></p>	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>gnatcatchers resulting from insect pests or free-roaming pets; and potential penalties for killing, injuring, or harming the species. Informational pamphlets shall be distributed to each residence. The Applicant shall develop the resident education program in coordination with the US Fish and Wildlife Service as part of the Low-Effect Habitat Conservation Plan and Section 10 consultation process.</p> <p>BIO-5 Pre-Construction Survey for Nesting Birds and Special-Status Avian Species. Where feasible, ground-disturbing activities, including vegetation removal, shall be conducted during the non-breeding season (approximately September 1 through January February 14) to avoid violations of the Migratory Bird Treaty Act and California Fish and Game Code §§3503, 3503.5 and 3513. Several species were identified as having potential to occur nest year-round; therefore, regardless of time of year, a pre-construction survey for nesting birds and special-status avian species shall be conducted by a qualified biologist (experienced in the identification of avian-special-status species and conducting nesting bird surveys) if activities with the potential to disrupt nesting birds or impacting special-status avian species are scheduled to occur. The survey shall include the project and adjacent areas where project activities have the potential to cause nest failure or directly impact native wildlife. The pre-construction survey shall be conducted no more than three days prior to the start of ground-disturbing activities (including vegetation removal and fuel modification zone thinning) and repeated as necessary whenever these activities are scheduled to occur within the bird breeding season (February 15 through August 31 annually). within the bird breeding season. Site preparation and construction activities may begin if no nesting birds or special-status avian species are observed during the survey. If nesting birds or raptors or special-status avian species are found to be present, biological</p>	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>monitoring in accordance with mitigation measure BIO-3-2 in addition to nest avoidance and minimization measures shall be implemented to avoid potential project-related impacts to the species. Avoidance and minimization measures shall be developed by the qualified biologist and may include seasonal work restrictions, additional nesting bird survey and nest monitoring requirements, and/or establishment of non-disturbance buffers around active nests until the biologist has determined that the nesting cycle is completed. The width of non-disturbance buffers established around active nests shall be determined by the qualified biologist (typically 300 feet for songbirds and 500 feet for raptors and listed species). The qualified avian biologist shall consider and have the authority to reduce or increase non-disturbance buffers based on vertical distances, species life history, sensitivity to disturbances, individual behavior and sensitivity to disturbances, nest stage (incubation, feeding nestlings, etc.), location of nest and site conditions, presence of screening vegetation or other features, ambient and ongoing construction activities at the time of nest establishment, and remaining project activities in the immediate area when determining non-disturbance buffers. Once nesting is deemed complete by the qualified biologist as determined through periodic nest monitoring, the non-disturbance buffer shall be removed by the qualified biologist and project work may resume in the area. The Pre-Construction Nesting Bird Survey shall be an ongoing requirement for long-term maintenance activities associated with the project, including annual maintenance of the fuel modification zone.</p> <p>BIO-6 Construction Fencing. The limits of project impacts (including construction staging areas and access routes) shall be clearly delineated by the construction contractor under the direct supervision of a qualified biological monitor with bright orange plastic fencing, stakes,</p>	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>flags, or markers that shall be installed in a manner that does not impact habitats to be avoided, and such that they are clearly visible to personnel on foot and operating heavy equipment. Silt fence barriers shall be installed as required to prevent the spread of silt from the construction zone into adjacent habitats and aquatic features. Temporary construction fencing and markers shall be maintained in good repair until the completion of project construction. The applicant shall submit the final plans for project construction to the City for approval at least 30 days prior to initiating project impacts. The applicant shall also submit to the US Fish and Wildlife Service, at least 5 working days prior to initiating project impacts, the final plans for initial vegetation clearing and project construction. These final plans shall include photographs that show the fenced limits of impact and areas to be impacted or avoided.</p> <p>The construction team shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced area (development footprint). All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas within the fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering adjacent open space and shall be shown on the construction plans. Equipment fueling shall take place within existing disturbed areas. Contractor equipment shall be checked for leaks prior to operation and repair, as necessary. "No-fueling" zones shall be designated on construction plans. If work occurs beyond the fenced limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the US Fish and Wildlife Service.</p>	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p><u>Temporary construction fencing and sediment trapping devices shall be removed upon project completion.</u></p> <p>BIO-7 Off-site Mitigation. Prior to any grading, off-site mitigation shall be required for an additional 1.92 acres of impacts to sensitive and/or mitigated habitats not achieved within the preserve area including 1.60 acres of coastal sage scrub within the Coastal Zone and 0.32 acre of Southern Mixed Chaparral/Chamise-Mission Manzanita Chaparral. This can be achieved through purchasing of mitigation credits or acquiring additional land within the Coastal Zone. Because available land and established mitigation banks within the Coastal Zone are not available, and because the City of Encinitas Subarea Plan is still in draft form, purchasing of mitigation credits within a North County Multiple Habitat Planning Area mitigation bank (https://www.sandiegocounty.gov/content/sdc/pds/mitbnks.html) or at another City-approved preserve area in the process of being established shall be negotiated to the satisfaction of the City, California Department of Fish and Wildlife, and US Fish and Wildlife Service.</p> <p>BIO-8 Limited Building Zone Easement. A Limited Building Zone Easement shall be granted to prohibit the building of structures that would require vegetation clearing within the protected biological open space for fuel management purposes. The easement must extend at least 100 feet from the Biological Open Space Boundary.</p> <p>Grant to the City of Encinitas a limited building zone easement to the satisfaction of the City. The only exceptions to this prohibition are structures that do not require fuel modification/vegetation management. The limited building zone easement shall also include language that rare plant avoidance within the limited building zone shall be required by requiring a biologist on site prior to any fuel management activities.</p>	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>Prior to recordation of the Final Map, the applicant shall show the easement on the Final Map with the appropriate granting language on the title sheet concurrent with Final Map review.</p> <p>BIO-9 Open Space Signage. In order to protect the proposed open space easement from entry, or disturbance, permanent fencing and signage shall be installed along the easement boundary as follows. Such fencing and signage shall be installed prior to any occupancy, final grading release, or use of the premises in reliance of the approved project permit.</p> <p>Open space signage shall be placed every 500 feet along the southern and western portion of the biological open space boundary.</p> <ul style="list-style-type: none"> • Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed. • The sign must be corrosion resistant, a minimum of 6 inches by 9 inches in size, on posts not less than three feet in height from the ground surface, and must state the following: <p style="margin-left: 40px;"><i>Sensitive Environmental Resources Area Restricted by Easement</i></p> <p style="margin-left: 40px;">Entry without express written permission from the City of Encinitas is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the City of Encinitas, Development Services Department.</p> <p style="margin-left: 40px;">Reference: MULTI-005158-2022</p> <p>The applicant shall install the signage as indicated above and provide site photos and a statement from a California Registered Engineer, or</p>	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>licensed surveyor that the open space signage has been installed at the open space easement boundary.</p> <p>The City of Encinitas Development Services Department shall review the photos and statement for compliance with this condition.</p>	
<p>3.3-2 Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?</p>	<p>Potentially Significant</p>	<p>Implement mitigation measures BIO-1, BIO-2, BIO-3A to BIO-3B, and BIO-67 to BIO-8 and BIO-9.</p>	<p>Less than Significant</p>
<p>3.3-3 Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>	<p>Less than Significant</p>	<p>No mitigation measures required.</p>	<p>Less than Significant</p>
<p>3.3-4 Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>	<p>Potentially Significant</p>	<p>Implement mitigation measures BIO-1, BIO-2, BIO-4A to BIO-4E, to BIO-3 and BIO-5 to BIO-9.</p>	<p>Less than Significant</p>
<p>3.3-5 Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p>	<p>Less than Significant</p>	<p>No mitigation measures required.</p>	<p>Less than Significant</p>
<p>3.3-6 Would the project conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?</p>	<p>Less than Potentially Significant</p>	<p>No Implement mitigation measures BIO-1 to BIO-9 required.</p>	<p>Less than Significant</p>

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.3-7 Would the project result in cumulative impacts related to biological resources?	Potentially Significant	Implement mitigation measures BIO-1 through BIO-9 .	Less than Significant
Cultural Resources			
3.4-1 Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	Potentially Significant	<p>CR-1 Cultural Resources Monitoring Program. Prior to the commencement of any ground disturbing activities, a Cultural Resource Mitigation Monitoring Program shall be established 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 meeting the Secretary of the Interior’s Professional Qualifications Standards for prehistoric “pre-historic” (i.e., pre-contact) and historic archaeology. Further, a Native American monitor from a each tribe that is traditionally and culturally affiliated (TCA) with the project area that has requested tribal cultural monitoring during the AB52 Consultation process shall be retained to monitor all ground-disturbing activities associated with project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that may disturb original (pre-project) ground, including the placement of imported fill materials and related roadway improvements (i.e., for access).</p> <ul style="list-style-type: none"> The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. Prior to the start of construction activities, the project proponent shall submit a letter of engagement or a copy of a monitoring contract to the City to demonstrate that each archaeological and culturally affiliated Native American monitors have been retained for the project. 	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<ul style="list-style-type: none"> • The qualified archaeologist and <u>each</u> TCA Native American monitor shall attend all applicable preconstruction meetings with the contractor and/or associated subcontractors. • Monitors shall be provided at least 72 hours notice of the initiation of construction and be kept reasonably apprised of changes to the construction schedule. In the event that a monitor is not present at the scheduled time, work can continue without the monitor present, as long as the notice was given and documented. • A reburial location shall be identified as an “environmentally sensitive area” on project plans and communicated to the consulting tribes. If cultural materials discovered during project construction are reburied in this location, the landowner shall record a deed restriction over the reburial area within 30 days of the completion of ground disturbing activities. If the location is not used for reburial of materials, then recording a deed restriction on this location shall not be required. <p><i>During Construction</i></p> <ul style="list-style-type: none"> • The qualified archaeologist shall maintain ongoing collaborative consultation with the <u>each</u> TCA Native American monitor during all ground-disturbing or altering activities, as identified above. • The qualified archaeologist and/or <u>each</u> TCA Native American monitor shall have the authority to temporarily halt ground-disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, if subsurface deposits believed to be cultural or human in origin are discovered during construction, all work shall halt within a 100-foot radius of the discovery and ground-disturbing activities shall be temporarily directed away from these deposits to allow a determination of 	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>potential significance, the subject of which shall be determined by the qualified archaeologist and the TCA Native American monitor(s). Ground-disturbing activities shall not resume until the qualified archaeologist, in consultation with the each 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.</p> <ul style="list-style-type: none"> • If the professional archaeologist determines with full agreement from the TCA monitor(s) that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required. • The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed project. If avoidance is not feasible, a Data Recovery Plan may be authorized by the City as the lead agency under CEQA. If a Data Recovery Plan is required, then the each TCA Native American monitor shall be notified and consulted in drafting and finalizing any such recovery plan. • The qualified archaeologist and/or each TCA Native American monitor may also halt ground-disturbing activities around known archaeological artifact deposits or cultural features if, in their respective opinions, there is the possibility that they could be damaged or destroyed. • The landowner shall relinquish ownership of all tribal cultural resources collected during the cultural resource mitigation monitoring conducted during all ground-disturbing activities, and 	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>from any previous archaeological studies or excavations on the project site, to each the TCA Native American Tribe for respectful and dignified treatment and disposition, including reburial, in accordance with the tribe’s cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the most likely descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98.</p> <p>CR-2 Prepare Monitoring Report and/or Evaluation Report. Prior to the release of the Grading Bond, a Monitoring Report and/or Evaluation Report, which describes the results, analysis, and conclusions of the cultural resource mitigation monitoring efforts (such as but not limited to the Research Design and Data Recovery Program), shall be submitted by the qualified archaeologist, along with the TCA Native American monitor’s notes and comments, to the City’s Development Services Director for approval.</p> <p>CR-3 Identification of Human Remains. As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner’s office by 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</p>	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		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 shall 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 shall make a determination as to the most likely descendent. If Native American remains are discovered, the remains shall be kept in situ (“in place”), or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of the TCA Native American monitor.	
3.4-2 Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	Potentially Significant	Implement mitigation measures CR-1 and CR-2 .	Less than Significant
3.4-3 Would the project disturb any human remains, including those interred outside of formal cemeteries?	Potentially Significant	Implement mitigation measure CR-3 .	Less than Significant
3.4-4 Would the project result in cumulative impacts related to historical and archaeological resources?	Potentially Significant	Implement mitigation measures CR-1 to CR-3 .	Less than Significant
Energy Conservation and Climate Change			
3.5-1 Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than Significant	No mitigation measures required.	Less than Significant
3.5-2 Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.5-3 Would the project generate greenhouse gas emissions that when combined with other related cumulative projects, could have a significant impact on global climate change?	Less than Significant	No mitigation measures required.	Less than Significant
3.5-4 Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Less than Significant	No mitigation measures required.	Less than Significant
3.5-5 Would the project conflict or obstruct a state or local plan for renewable energy or energy efficiency?	Less than Significant	No mitigation measures required.	Less than Significant
3.5-6 Would the project would in cumulative impacts related to energy conservation and climate change?	Less than Significant	No mitigation measures required.	Less than Significant
Geology and Soils			
3.6-1 Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map?	Less than Significant	No mitigation measures required.	Less than Significant
3.6-2 Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?	Less than Significant	No mitigation measures required.	Less than Significant
3.6-3 Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.6-4 Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?	Less than Significant	No mitigation measures required.	Less than Significant
3.6-5 Would the project result in substantial soil erosion or the loss of topsoil?	Less than Significant	No mitigation measures required.	Less than Significant
3.6-6 Would the project site be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	Less than Significant	No mitigation measures required.	Less than Significant
3.6-7 Would the project be located on expansive soil, creating substantial risks to life or property?	Less than Significant	No mitigation measures required.	Less than Significant
3.6-8 Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	Less than Significant	No mitigation measures required.	Less than Significant
3.6-9 Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Potentially Significant	<p>GEO-1 Paleontological Data Recovery and Monitoring Plan. A Data Recovery and Monitoring Plan shall be prepared to the satisfaction of the City. The plan shall document paleontological recovery methods.</p> <ol style="list-style-type: none"> 1. Prior to grading permit issuance, the project applicant shall implement a paleontological monitoring and recovery program consisting of the following measures, which shall be included on project grading plans to the satisfaction of the Development Services Department: 	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<ul style="list-style-type: none"> a. The project applicant shall retain the services of a qualified paleontologist to conduct a paleontological monitoring and recovery program. A qualified paleontologist is defined as an individual having an MS or PhD degree in paleontology or geology, and who is a recognized expert in the identification of fossil materials and the application of paleontological recovery procedures and techniques. As part of the monitoring program, a paleontological monitor may work under the direction of a qualified paleontologist. A paleontological monitor is defined as an individual having experience in the collection and salvage of fossil materials. b. The qualified paleontologist shall attend the project preconstruction meeting to consult with the grading and excavation contractors concerning the grading plan and paleontological field techniques. c. The qualified paleontologist or paleontological monitor shall be on-site during grading and/or excavation of previously undisturbed deposits of moderate and high sensitivity geologic units (e.g., Santiago Formation) to inspect exposures for any contained fossils. If the qualified paleontologist or paleontological monitor ascertains that the noted formations are not fossil-bearing, the qualified paleontologist shall have the authority to terminate the monitoring program. The paleontological monitor shall work under the direction of a qualified paleontologist. An adaptive approach is recommended, which involves initial part-time paleontological monitoring (e.g., up to 4 hours per day). As the project proceeds, the qualified paleontologist shall evaluate the monitoring results and, in consultation with the City and 	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>subject to the City's consent, may revise the monitoring schedule (i.e., maintain part-time monitoring, increase to full-time monitoring, or cease all monitoring).</p> <ul style="list-style-type: none"> d. If fossils are discovered, recovery shall be conducted by the qualified paleontologist or paleontological monitor. In most cases, fossil salvage can be completed in a short period of time, although some fossil specimens (such as a complete large mammal skeleton) may require an extended salvage period. In these instances, the paleontologist (or paleontological monitor) shall have the authority to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. e. If subsurface bones or other potential fossils are found anywhere within the project site by construction personnel in the absence of a qualified paleontologist or paleontological monitor, the qualified paleontologist shall be notified immediately to assess their significance and make further recommendations. f. Fossil remains collected during monitoring and salvage shall be cleaned, sorted, and catalogued. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections such as the San Diego Natural History Museum. <p>2. Prior to building permit issuance, a final summary report outlining the results of the mitigation program shall be prepared by the qualified paleontologist and submitted to the Development Services Department for concurrence. This report shall include discussions of the methods used, stratigraphic section(s) exposed,</p>	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		fossils collected, and significance of recovered fossils, as well as appropriate maps.	
3.6-10 Would the project result in cumulative impacts related to geology and soils?	Potentially Significant	Implement mitigation measure GEO-1 .	Less than Significant
<i>Hazards and Hazardous Materials</i>			
3.7-1 Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or would it create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less than Significant	No mitigation measures required.	Less than Significant
3.7-2 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?	Less than Significant	No mitigation measures required.	Less than Significant
3.7-3 Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.7-4 Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Less than Significant	No mitigation measures required.	Less than Significant
3.7-5 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, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	Less than Significant	No mitigation measures required.	Less than Significant
3.7-6 Would the project impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	Less than Significant	No mitigation measures required.	Less than Significant
3.7-7 Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires?	Less than Significant	No mitigation measures required.	Less than Significant
3.7-8 Would the project result in cumulative impact related to hazards and hazardous materials?	Less than Significant	No mitigation measures required.	Less than Significant
Hydrology and Water Quality			
3.8-1 Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.8-2 Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	Less than Significant	No mitigation measures required.	Less than Significant
3.8-3 Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?	Less than Significant	No mitigation measures required.	Less than Significant
3.8-4 Would the project substantially increase the rate or amount of surface runoff in a manner which would result flooding on- or Off-site?	Less than Significant	No mitigation measures required.	Less than Significant
3.8-5 Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	Less than Significant	No mitigation measures required.	Less than Significant
3.8-6 Would the implementation of the project risk the release of pollutants due to project inundation from a flood, tsunami, or seiche zones?	Less than Significant	No mitigation measures required.	Less than Significant
3.8-7 Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Less than Significant	No mitigation measures required.	Less than Significant
3.8-9 Would the project create cumulative hydrology and water quality impacts?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
Land Use and Planning			
3.9-1 Would the project physically divide an established community?	Less than Significant	No mitigation measures required.	Less than Significant
3.9-2 Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Less than Significant	No mitigation measures required.	Less than Significant
3.9-3 Would the project result in cumulative land use impacts?	Less than Significant	No mitigation measures required.	Less than Significant
Noise			
3.10-1 Would the project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Potentially Significant	<p>NOI-1 Construction Noise Control Plan. A Construction Noise Control Plan shall be prepared to the satisfaction of the City. The plan shall demonstrate compliance with the City’s noise ordinance, including the requirements that construction equipment, or combination of equipment, would not sustain or exceed the City’s 75 dBA significance threshold continuously over the course of an 8 hour period.</p> <p>NOI-2 Noise Barriers. A minimum 5-foot noise barrier shall be located along private rooftop decks and a minimum 8-foot barrier shall be located around the on-site common pool area.</p>	Less than Significant
3.10-2 Would the project generate excessive groundborne vibration or groundborne noise levels?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.10-3 Would the project be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Less than Significant	No mitigation measures required.	Less than Significant
3.10-4 Would the project result in cumulative noise impacts?	Less than Significant	No mitigation measures required.	Less than Significant
Public Services and Recreation			
3.11-1 Would the project result in substantial adverse physical impacts to fire protection services due to the provision of new or physically altered governmental facilities?	Less than Significant	No mitigation measures required.	Less than Significant
3.11-2 Would the project result in substantial adverse physical impacts to police protection services due to the provision of new or physically altered governmental facilities?	Less than Significant	No mitigation measures required.	Less than Significant
3.11-3 Would the project result in substantial adverse physical impacts to schools due to the provision of new or physically altered governmental facilities?	Less than Significant	No mitigation measures required.	Less than Significant
3.11-4 Would the project increase the use of existing neighborhood and regional parks or other recreational facilities?	Less than Significant	No mitigation measures required.	Less than Significant
3.11-5 Would the project result in substantial adverse physical impacts to other public facilities due to the provision of new or physically altered governmental facilities?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.11-6 Would the project result in a cumulatively considerable impact to public services and recreation?	Less than Significant	No mitigation measures required.	Less than Significant
Transportation			
3.12-1 Would the project conflict a plan, ordinance or policy addressing the circulation system, including transit roadway, bicycle and pedestrian facilities?	Less than Significant	No mitigation measures required.	Less than Significant
3.12-2 Would the project conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	Potentially Significant	No feasible mitigation measures identified.	Significant and Unavoidable
3.12-3 Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less than Significant	No mitigation measures required.	Less than Significant
3.12-4 Would the project result in inadequate emergency access?	Less than Significant	No mitigation measures required.	Less than Significant
3.12-5 Would the project result in cumulative transportation impacts?	Potentially Significant	No feasible mitigation measures identified.	Significant and Unavoidable

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
<i>Tribal Cultural Resources</i>			
<p>3.13-1 Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <ul style="list-style-type: none"> • Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? • A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. 	Potentially Significant	Implement mitigation measures CR-1 to CR-3 .	Less than Significant
3.13-2 Would the project result in cumulative impacts related to tribal cultural resources?	Potentially Significant	Implement mitigation measures CR-1 to CR-3 .	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
Utilities and Service Systems			
3.14-1 Would the project require or result in the relocation or construction of new or expanded water or wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Less than Significant	No mitigation measures required.	Less than Significant
3.14-2 Would the project have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	Less than Significant	No mitigation measures required.	Less than Significant
3.14-3 Would the project result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Less than Significant	No mitigation measures required.	Less than Significant
3.14-4 Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Less than Significant	No mitigation measures required.	Less than Significant
3.14-5 Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	Less than Significant	No mitigation measures required.	Less than Significant
3.14-6 Would the project result in a significant cumulative impact related to utilities and service systems?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
Wildfire			
3.15-1 Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?	Less than Significant	No mitigation measures required.	Less than Significant
3.15-2 Would the project exacerbate wildfire risks due to slope, prevailing winds, and other factors and therefore would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?	Potentially Significant	<p>WF-1 Fire Protection Plan</p> <p>Prior to occupancy, the following measures identified in the Fire Protection Plan (Firewise2000, LLC 2022) shall be implemented to reduce potential fire threat and provide heightened fire protection.</p> <ol style="list-style-type: none"> 1. A fuel modification zone shall be provided to the north of the proposed retaining wall located along the northern boundary of the development area, extending 100 feet from the north side of the wall. This fuel modification zone shall include 50 feet of irrigated Zones 1A and 1B adjacent to each structure followed by 50 feet of non-irrigated thinning Zone 2. The homeowners association shall be required to oversee and perform the described fuel treatments as described in the Fire Protection Plan on an ongoing basis. 2. Prior to occupancy, the homeowners association shall be approved and in place to ensure ongoing fire safety. 3. All newly constructed structures shall be built to ignition resistant building requirements, including the installation of automatic interior fire sprinkler systems. 4. All vents used in the proposed on-site structures shall be “Brandguard,” “O’Hagin Fire & Ice Line – Flame and Ember Resistant,” or equivalent type vents. 5. All operable windows shall be provided with metal (not vinyl) mesh bug screens over the operable opening to prevent embers from 	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>entering the structure during high wind conditions when windows may be inadvertently left open.</p> <p>6. As mitigation for driveways that exceed 150 feet in length, the following additional building measures shall be required of the structures shown in grey on the Fire Protection Plan Map (Appendix F of the Fire Protection Plan; Firewise2000, LLC 2022):</p> <p>a. Exterior walls facing the driveway shall have two hour rated walls.</p> <p>b. Interior fire sprinkler shall be extended to the attic space including the areas over bathrooms and closets.</p> <p>WF-2 Construction Fire Protection Plan</p> <p>1. Prior to the commencement of project construction, the following measures shall be completed:</p> <p>a. During construction, at least 50 feet of clearance around the structures shall be kept free of all flammable vegetation as an interim fuel modification zone, with exception of where habitat protection is required.</p> <p>b. In reference to mitigation measure BIO-8, a Limited Building Zone easement shall be granted to the City of Encinitas.</p>	
<p>3.15-3 Would the project 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?</p>	<p>Less than Significant</p>	<p>No mitigation measures required.</p>	<p>Less than Significant</p>

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.15-4 Would the project 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?	Less than Significant	No mitigation measures required.	Less than Significant
3.15-5 Would the project result in a significant cumulative impact related to wildfire?	Potentially Significant	Implement mitigation measures WF-1 and WF-2 .	Less than Significant

SUMMARY OF PROJECT ALTERNATIVES

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

ALTERNATIVES TO THE PROPOSED PROJECT

Potential environmental impacts associated with three alternatives are compared below to assess impacts from the proposed project. Table ES-2, Comparison of Alternative Project Impacts to the Proposed Project, summarizes the potential impact of each alternative on the environmental resources evaluated in the EIR that require mitigation as compared to the proposed project.

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

Topic	Alternative 1: No Project/No Development Alternative	Alternative 2: Reduced Development Footprint Alternative
Air Quality	<	=
Biological Resources	<	<
Cultural and Tribal Cultural Resources	<	<
Geology and Soils (Paleontological Resources)	<	<
Noise	<	=
Transportation	<	=
Wildfire	<	=

Notes:

- = Impact is equivalent to impact of proposed project (neither environmentally superior nor inferior).
- < Impact is less than impact of proposed project (environmentally superior).
- > Impact is greater than impact of proposed project (environmentally inferior).
- ¹ Transportation impacts are based upon VMT (not traffic) Refer to Section 3.12, Transportation.

Alternative 1: No Project/No Development Alternative**Description of Alternative**

As part of the City's 2013-2021 General Plan Housing Element Update (HEU), the project site was designated with an R-30 Overlay and allocated up to 206 residential units (6.88 acres x 30 DU/acre) prior to application of a density bonus. With the application of density bonus, the project could support up to 310 homes. No changes to the existing land use or zoning classification are required or proposed to allow for implementation of the project as currently proposed.

Under the No Project Alternative, the project as proposed would not be approved and future development would not occur. As such, the project site would remain undeveloped, vacant land. Although found to be a less than significant impact in this EIR, and therefore not further evaluated in this alternative analysis, this alternative would generally reduce effects related to aesthetics, air quality, energy conservation and greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, public services and recreation, and utilities as no new development would occur on-site and the site would remain in its current condition. However, a significant and unavoidable impact relative to transportation would not occur with this alternative.

It should be noted that this alternative would not be consistent with the City's requirement to provide for housing per the HEU and the City's obligations under the Regional Housing Needs Assessment. Further, this alternative would not meet any of the stated project objectives, as no development would occur.

Alternative 1 Summary

As ground-disturbing activities would not occur as part of this alternative, impacts to sensitive biological resources would be reduced compared to the proposed project; however, this alternative would not ensure the long-term preservation of the off-site preserve area. Impacts relative to air quality; noise; cultural, tribal cultural, and paleontological resources (e.g., potential to inadvertently discover unknown resources); and wildfire would be reduced as the subject site would not be developed. This alternative would not result in transportation-related impacts as the project site is current undeveloped, and vacant land would not generate daily vehicle trips (or vehicle miles traveled).

As shown in Table ES-2, Comparison of Alternative Project Impacts to the Proposed Project, this alternative would result in reduced impacts relative to air quality, biological resources, cultural resources, geology and soils (paleontological resources), noise, tribal cultural resources, and transportation as compared to the proposed project. However, this alternative would not achieve

most of the project objectives including, but not limited to, providing housing options to support an inclusive, diverse community to meet current and future housing demand in the City; providing affordable housing for very low income families, thereby helping to meet the state-mandated affordable housing requirements within the community; or, providing dedicated on- and off-site open space for the long-term protection of sensitive habitat and species for biological mitigation purposes.

It should be noted that, based on the analysis included in Section 3.8, Hydrology and Water Quality, the proposed project would result in less than significant impacts to hydrology and water quality as it would incorporate the construction of new infrastructure improvements that would reduce runoff from the project site and treat water quality to standards consistent with the municipal separate storm sewer system (MS4) permit. Although not analyzed herein for this alternative because project impacts were determined to be less than significant, no such stormwater infrastructure improvements would be installed with the No Project/No Development Alternative and runoff from the site would continue to leave the property untreated (current condition). While this is part of the baseline under CEQA, it represents a greater potential impact to water quality and hydrology as compared the proposed project.

Alternative 2: Reduced Development Footprint Alternative

Description of Alternative

The Reduced Development Footprint Alternative would reduce the overall development footprint on-site and would allow for additional biological open space protection due to a reduction in the area required for brush clearance. As with the proposed project, the “off-site preserve area” would remain in its natural state under this alternative with no disturbance or improvements proposed. This parcel would serve as mitigation land for impacts resulting with development of the southern parcel (“project site”).

The Reduced Development Footprint Alternative would result in construction of 149 multi-family residential units, similar to the proposed project. A similar mixture of unit types (52 one-bedroom homes, 37 two-bedroom homes, and 60 three-bedroom homes) is anticipated. Of the 149 residential units, 134 would be market-rate homes and 15 would be “very low” income affordable homes, similar to that proposed with the project. No amenities (e.g., pool, spa, pool house, or lounge seating) are proposed with the Reduced Footprint Alternative.

In order to achieve a reduced development footprint and maintain the same unit count, this alternative would require construction of two 5-story buildings, as compared to the 16 three-story buildings proposed with the project. As such, the on-site structures with the Reduced Development Footprint Alternative would reach an estimated 65 feet in total height.

Additionally, rooftop decks would not be proposed with the residential units and no amenities (common area/pool, spa, pool house, lounge seating) would be provided. This design approach would reduce potential adverse noise effects from traffic along Interstate 5 as compared to the project, although noise effects would still occur due to proximity of the freeway.

No individual parking garages would be provided for the residential units. Adequate parking (271 spaces) would be provided on-site in conformance with City requirements, similar to the proposed project.

Access to the site under this alternative would be provided via a single access point along Plato Place. No access would be provided from Piraeus Street.

Unlike the proposed project, this alternative does not propose vacating the approximately 0.25-acre area along the Plato Place frontage and 0.71 acres along the Piraeus Street frontage, adjacent to the project boundary. Maintaining the existing right-of-way would require more extensive on-site slope grading which would be visible from surrounding public roadways, as depicted in Figures 5.0-1B, 5.0-2B, and 5.0-4B.

This alternative would require approval of a Condominium Tentative Map, Density Bonus Tentative Map, Design Review Permit, and a Coastal Development Permit (non-appealable) to allow for development of the property, similar to that required for the proposed project. City approval of a waiver for building height limits pursuant to Density Bonus law would be required to allow for the exceedance in building height over that allowed within the Coastal Overlay Zone.

Figures 5.0-1A, -2A, -3A, and -4A show existing views of the project site from the southwest corner of Piraeus Street and Plato Place; near the southeastern portion of the project site; from 1690 Gascony Road (Station White); and from I-5, respectively (refer to Section 3.1 for additional descriptions of the existing views).

As shown in Figures 5.0-1B, -2B, and -4B, the on-site residential buildings would be substantially more visible from the corner of Piraeus Street and Plato Place, the southeastern portion of the project site, and I-5 when compared to the proposed project (refer to Section 3.1 for descriptions of views from each of these vantage points associated with development of the proposed project).

As shown in Figure 5.0-3B, the upper portions of the proposed alternative would be more visible as compared to the proposed project. However, views of the proposed alternative are not anticipated to be noticeable by passengers in vehicles traveling along Gascony Road or occupying the public seating area provided at this location, similar to the proposed project.

This alternative is anticipated to reduce ~~, to a degree,~~ significant impacts on biological resources, cultural and tribal cultural resources, and geology and soils (paleontological resources) as compared to the proposed project. Impacts relative to transportation (VMT), would remain significant and unavoidable, similar to the proposed project.

It is worth noting that demands on public parks and recreational facilities would increase under this alternative, as no on-site common amenity space would be provided. Additionally, as building heights would substantially increase to accommodate a reduced development footprint, this alternative would further increase the degree of change to the existing visual setting as compared to the proposed project.

The increased building height would also exceed allowable height limits for the R-30 Overlay Zone and would therefore conflict with relative General Plan goals and policies, thereby requiring City approval of a waiver to allow for construction. Further, the site is located within a Very High Fire Hazard Severity Zone and is considered to be at greater risk for potential wildfire occurrence; refer also to Section 3.15, Wildfire. As a result, a 100 foot Fuel Modification Zone is required in order to ensure public safety. City General Plan Land Use Element Policy 1.13 and Public Safety Element Policy 1.3 require that brush clearance around structures for fire safety not exceed a 30-foot perimeter in areas of native or significant brush, and as provided by Resource Management Policy 10.1. It is anticipated that the Reduced Development Footprint Alternative could achieve consistency with this requirement due to the on-site placement of buildings, as compared to the proposed project which would require deviation from these policies (as stated in Section 10.04.010 of the Municipal Code) in order to meet Fuel Modification Zone requirements; refer to discussion under Biological Resources, below, and Section 3.9, Land Use and Planning.

Alternative 2 Summary

As shown in Table ES-2, Comparison of Alternative Project Impacts to the Proposed Project, this alternative would result in similar impacts relative to air quality, noise, and wildfire. Impacts to biological resources, cultural resources, geology and soils (paleontological resources), and tribal cultural resources would be reduced ~~to a degree,~~ due to anticipated site design, grading requirements, and/or on-site building location. Additionally, impacts related to VMT would remain significant and unavoidable, as trip lengths per person would be unchanged as compared to the proposed project.

This alternative would achieve most of the project objectives, including but not limited to: providing housing options to support an inclusive, diverse community to meet current and future housing demand in the City; providing at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources; providing

affordable housing within the project for very low income families, thereby helping to meet the state-mandated affordable housing requirements and further encouraging diversity within the community; providing dedicated on- and off-site open space for the long-term protection of sensitive habitat and species for biological mitigation purposes, as well for the protection of existing views, by concentrating development within a portion of the site; and providing a residential housing product aimed at meeting growing demand for for-sale multi-family townhomes. However, this alternative would not provide amenity space that would otherwise support community engagement and would not minimize visual impacts of the development, as building heights would exceed allowable limits within the City's Coastal Overlay Zone.

1.1 PURPOSE OF THE EIR

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

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

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

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

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

Upon certification of the EIR, the project will be considered for approval by the City's Planning Commission. A decision to approve the proposed project would be accompanied by specific,

written findings, in accordance with CEQA Guidelines Section 15091, and a specific, written Statement of Overriding Considerations, in accordance with CEQA Guidelines Section 15093.

1.2 INTENDED USES OF THE EIR

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

DISCRETIONARY ACTIONS AND APPROVALS

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

City of Encinitas

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

The following development fees would be due to the City upon project approval:

- School Fee
- Sewer Development Fee
- Water Service, Capacity, and Metering Fee
- Park Acquisition and Park Development Fee
- Traffic Impact Fee
- Fire Impact Fee
- Community Facility Fee

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

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

1.3 EIR SCOPE, ISSUES, CONCERNS

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

- Distributed a Notice of Preparation (NOP) for the proposed project to request input from the public, agencies, and stakeholder groups on the scope of the evaluation to be undertaken in the EIR.
- Held a scoping meeting to request input from public agencies on the scope of the evaluation to be undertaken in the EIR.

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

NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT

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

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

1.0 Introduction

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

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

CITIZEN PARTICIPATION PROGRAM (CPP) MEETING

A Citizen Participation Program (CPP) public meeting was held for the proposed project on Tuesday, June 7, 2022 from 6:00 p.m. to 9:00 p.m. at Encinitas City Hall (Council Chambers). All property owners and occupants within a 500-foot radius of the project site were mailed a copy of the neighborhood letter and the vicinity map.

Key environmental concerns raised by meeting attendees were related to:

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

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

These issues have been considered in this EIR, where applicable. Based on consideration of the available technical reports and public comments, this EIR has been prepared at the project level under CEQA Guidelines Section 15161 to assess and document the environmental impacts of the proposed project, with the following topics evaluated in detail:

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

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

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

ENVIRONMENTAL REVIEW PROCESS

The Draft EIR, with an accompanying Notice of Completion (NOC), ~~is being~~[was](#) circulated to the State Clearinghouse, trustee agencies, responsible agencies, other government agencies, and interested members of the public for a 60-day review period in accordance with CEQA Guidelines Sections 15087 and 15105. During this period, public agencies and members of the public ~~may~~

1.0 Introduction

submitted written comments on the analysis and content of the Draft EIR. In reviewing a Draft EIR, readers should focus on the sufficiency of the document in identifying and analyzing the possible impacts of the proposed project on the environment and on ways in which the significant effects of the proposed project might be avoided or mitigated.

Comment letters ~~should be~~were sent to:

Nick Koutoufidis, Environmental Project Manager
City of Encinitas, Planning Division
505 S. Vulcan Avenue
Encinitas, California 92024
Email: nkoutoufidis@encinitasca.gov
Phone: (760) 633-2692

In response to the public review period, the City received three (3) comment letters from state agencies; one (1) comment letter from organizations; and forty-nine (49) comment letters from individuals. Additionally, following the close of the comment period, one (1) additional letter was received from an organization, and one (1) additional letter was received from an individual. ~~Following the close of the public comment period, a~~ Final EIR ~~will be~~was ~~subsequently~~ prepared to respond to all substantive comments related to environmental issues ~~surrounding the proposed project~~potentially resulting from implementation of the proposed project. The Final EIR ~~will be~~was completed prior to the public hearing to consider certification of ~~this the~~ EIR and approval of the Piraeus Point project.

1.4 REPORT ORGANIZATION

The EIR is organized as follows:

- **Section ES, Executive Summary.** Summarizes the description and background of the proposed project, addresses the format of this EIR, discusses alternatives, and includes the potential environmental impacts and any mitigation measures identified for the proposed project.
- **Section 1.0, Introduction.** Describes the purpose of the EIR, the background of the proposed project, the NOP and scoping process, the use of incorporation by reference, and the EIR certification process.
- **Section 2.0, Project Description.** Describes the proposed project and its objectives, the proposed project site and location, approvals anticipated to be included as part of the project, the necessary environmental clearances for the proposed project, and the intended uses of the EIR.

- **Section 3.0, Environmental Analysis.** Contains a detailed environmental analysis of the existing (baseline) conditions, potential project impacts, recommended mitigation measures, and possible unavoidable adverse impacts for the following environmental issue areas:
 - Aesthetics (Section 3.1)
 - Air Quality (Section 3.2)
 - Biological Resources (Section 3.3)
 - Cultural Resources (Section 3.4)
 - Energy Conservation and Climate Change (Section 3.5)
 - Geology and Soils (Section 3.6)
 - Hazards and Hazardous Materials (Section 3.7)
 - Hydrology and Water Quality (Section 3.8)
 - Land Use and Planning (Section 3.9)
 - Noise (Section 3.10)
 - Public Services and Recreation (Section 3.11)
 - Transportation (Section 3.12)
 - Tribal Cultural Resources (Section 3.13)
 - Utilities and Service Systems (Section 3.14)
 - Wildfire (Section 3.15)
- **Section 4.0, Effects Found Not to Be Significant.** Summarizes effects found not to be significant.
- **Section 5.0, Alternatives to the Proposed Project.** Analyzes a reasonable range of alternatives to the proposed project, including the CEQA-mandated “No Project” alternative. The alternatives seek to achieve the basic objectives of the proposed project while reducing potential environmental effects associated with the proposed project.
- **Section 6.0, Other CEQA Considerations.** Summarizes the project’s significant and unavoidable impacts, energy conservation, and significant irreversible environmental changes. This section also includes a discussion of growth-inducing impacts, analyzing the potential environmental consequences of the foreseeable growth and development that could be induced by implementation of the proposed project.
- **Section 7.0, Preparers and Persons Consulted.** Identifies the preparers of the EIR, including the lead agency.
- **Section 8.0, References.** Identifies reference resources used during preparation of the EIR.
- **Appendices.** Contains the project’s technical documentation.

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

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

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

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

The CEQA Guidelines provide, in part:

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

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

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

1.5 INCORPORATION BY REFERENCE

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

CITY OF ENCINITAS 2013-2021 HOUSING ELEMENT UPDATE (2019)

In March 2019, the Encinitas City Council adopted the Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The HEU includes the 2013 - 2021 Housing Element Update and a series of discretionary actions to update and implement the City's Housing Element, including an amendment to the City's General Plan and Local Coastal Plan (described below), the Encinitas Ranch Specific Plan (described below) and adoption of updated Development Standards and Zoning Standards for properties that were included in the HEU.

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

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

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

CITY OF ENCINITAS 2013 - 2021 HOUSING ELEMENT UPDATE ENVIRONMENTAL ASSESSMENT (2018)

In June 2018, the Encinitas City Council approved the Final Environmental Assessment (EA) for the City of Encinitas 2013-2021 Housing Element Update. The EA was intended to provide public agency decision-makers and the public with an analysis of the HEU's environmental effects and identify feasible alternatives and mitigation measures that would avoid or substantially lessen any significant effects.

The EA expanded upon previous analysis conducted in the City of Encinitas 2013-2021 Housing Element Program Environmental Impact Report (State Clearinghouse No. 2015041044) for the *At Home in Encinitas, the City of Encinitas Housing Element Update*. Although the proposed HEU was not subject to CEQA, the EA conformed to the required content for a Draft EIR found in State CEQA Guidelines Article 9 (Section 15120 et seq.) and the required content for a Supplemental EIR found in State CEQA Guidelines Section 15163. The project site, identified as the Cannon Site (Site #2), was analyzed as part of the EA.

CITY OF ENCINITAS GENERAL PLAN AND CERTIFIED LOCAL COASTAL PROGRAM

The Encinitas General Plan serves as a policy document that provides long-range guidance to City officials responsible for decision-making with regard to the City's future growth and long-term protection of its resources. The General Plan is intended to ensure decisions made by the City conform to long-range goals established to protect and further the public interest as the City continues to grow and to minimize adverse effects potentially occurring upon ultimate buildout of the General Plan. The General Plan also provides guidance to ensure future development conforms to the City's established plans, objectives, and/or policies, as appropriate. Specific to the project site, the General Plan designates the site as SP-3, which refers to the Encinitas Ranch Specific Plan. In Sections 3.1 to 3.15 of this EIR, various relevant General Plan policies and goals are listed in the regulatory sections pertaining to each topic.

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

- Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and artificial resources.
- Assure orderly, balanced utilization and conservation of Coastal Zone resources taking into account the social and economic needs of the people of the state.
- Maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the Coastal Zone.

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

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

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

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

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

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

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

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

Furthermore, a number of policies within the Encinitas LUP that protect scenic views and seek to maximize visual access to coastal and inland views in conformity with Chapter 3 of the Coastal Act will remain in effect and be unchanged by the Housing Element Update.

Policy 4.5 in particular provides for the development of the Scenic/Visual Corridor Overlay Zone, which is designed to protect the integrity of vista points and scenic highways through design review of development within 2,000 feet of vista points or along scenic roads. Specifically, future development within scenic view corridors, along scenic highways and/or adjacent to significant viewsheds or vista points are subject to compliance with regulations that consider the project's overall visual impact and may condition or limit project bulk, mass, height, architectural design, and grading. Other visual factors may be applied as part of Design Review approval and will also be considered for coastal development permit approval when the development on the site is formally proposed. Additionally, where development is proposed on slopes greater than 25%, special standards would apply, including that slopes of greater than 25% should be preserved in their natural state and that no principal structure or improvement should be placed, and no grading undertaken, within 25 feet of any point along an inland bluff edge. Therefore, future development will be reviewed on a case-by-case basis to verify consistency with Encinitas General Plan and LUP standards. Therefore, the Commission finds the proposed Housing Element Update consistent with the relevant Chapter 3 policies."

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

CITY OF ENCINITAS CLIMATE ACTION PLAN

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

The City's CAP was originally adopted in January 2018 and was most recently updated and adopted on November 18, 2020. The CAP serves as a guiding document and outlines a course of action for community and municipal operations to reduce GHG emissions and the potential impacts of climate change within the jurisdiction. The CAP benchmarks GHG emissions in 2012 and identifies what reductions are required to meet GHG reduction targets based on State goals embodied in State Assembly Bill (AB) 32. The 2020 CAP Update incorporates the residential units proposed under the 2013-2021 HEU into the business-as-usual projection and legislatively adjusted projection and presents associated updates and revisions to the CAP measures. The CAP

aims to achieve local community wide GHG reduction targets of 13 percent below 2012 levels by 2020 and 44 percent below 2012 levels by 2030.

To achieve these objectives, the CAP identifies a summary of baseline GHG emissions and the potential growth of these emissions over time; the expected climate change effects on the City; GHG emissions reduction targets and goals to reduce the community's contribution to global warming; and identification of strategies, specific actions, and supporting measures to comply with statewide GHG reduction targets and goals, along with strategies to help the community adapt to climate change impacts.

As part of the CAP implementation, each strategy, action, and supporting measure will be continually assessed and monitored. Reporting on the status of implementation of these strategies, periodic updates to the GHG emissions inventory, and other monitoring activities will help ensure that the CAP is making progress. The project is consistent with the General Plan and accounted for in the Housing Element Update. In November 2020, the City's CAP was updated to address increased GHG emissions resulting from development of the 17 candidate sites identified in the HEU. Updates to the CAP assumed a maximum realistic yield of 2,494 dwelling units across the candidate sites (City of Encinitas 2020). Therefore, the City's CAP accounts for GHG emissions resulting from construction and operation of the project. The project is required to comply with the City's CAP by implementing the appropriate CAP measures.

CITY OF ENCINITAS MUNICIPAL CODE

Title 30, Zoning, of the Encinitas Municipal Code was adopted to promote and protect the public health, safety, and welfare through the orderly regulation of land uses in the City. Title 30 is intended to "regulate the use of real property and the buildings, structures, and improvements located thereon so as to protect, promote, and enhance the public safety, health and welfare" (Ord. 86-19). Further, the Zoning Regulations are "adopted pursuant to, and to implement provisions of, the City of Encinitas General Plan and certified Local Coastal Program Land Use Plan. The regulatory provisions ... shall implement the provisions of the General Plan to carry out the objectives contained therein" (Ord. 94-06). While the General Plan land use designations provide basic criteria and guidelines for future development in the City, specific development standards are included in the Zoning Regulations to better define such guidelines. The land use designations identified in the General Plan Land Use Element correspond to the boundaries of one or more zoning districts identified on the City's Zoning Map (i.e., specific plan areas).

Housing Plan Update 2019 R-30 OL Implementing Zone

City land use policy calls for the need to accommodate future housing development and meet Regional Housing Needs Assessment (RHNA's) state housing law compliance for affordability. To

reinforce and expand on the City's commitment to encouraging affordable housing, developing more complete neighborhoods, and enhancing and preserving the community's character, the R-30 OL Zone was created to implement the R-30 OL General Plan land use designation. Like the R-30 OL land use designation, the R-30 OL Zone is an overlay zone that retains the underlying zoning standards for applicable properties. However, if an attached or detached multifamily residential project is proposed, a property owner may develop under special provisions of the R-30 OL Zone that include new incentive land use and development standards to create more housing for the community.

The R-30 OL Zone is intended to:

1. Implement the R-30 OL General Plan land use designation, which creates an incentive to develop housing by offering property owners the opportunity to build homes with increased height and density;
2. Allow for a moderate increase in residential density and to accommodate a mixture of residential building types and unit sizes;
3. Enhance the feasibility of developing higher density housing to increase the supply of available housing options within the City's five communities;
4. Meet the state's Regional Housing Needs Assessment (RHNA) rezoning requirements;
5. Ensure that the vision set forth in the Housing Plan is implemented; and,
6. Respect neighborhood character, be compatible with community specific settings and provide reasonable transitions between existing residences and potential development sites.

Residential projects in the R-30 OL Zone may include residential and limited ancillary or auxiliary uses, with a minimum of 25 dwelling units per net acre and a maximum of 30 dwelling units per net acre. The R-30 OL Zone's development standards also apply to sites in the DVCM R-30 OL Zone of the Downtown Specific Plan and the N-R3 (R-30 OL) and N-L-VSC (R-30 OL) Zones of the North 101 Corridor Specific Plan.

This page intentionally left blank.

2.1 PROJECT OVERVIEW AND LOCATION

The Piraeus Point Project (proposed “project”) would result in future development of a 149-unit townhome community (for-sale units). The project site is located in the City of Encinitas in northwestern coastal San Diego County, California. The site lies within the community of Leucadia, one of five communities designated within the City of Encinitas; refer to Figures 2.0-1, Regional/Local Vicinity Map, and Figure 2.0-2, Aerial Photograph/Surrounding Land Uses.

Existing land uses in the project vicinity include single family residences to the east and south; Plato Place to the south; and Piraeus Street and Interstate 5 (I-5) to the west. Vacant land and Sky Loft Road are present to the north. La Costa Avenue is located further to the north, adjacent to the north of the proposed off-site preserve area, as described below. Sky Loft Road traverses the proposed off-site preserve area in the east-west direction.

The project site is comprised of one parcel totaling approximately 6.88 gross acres [County of San Diego Assessor parcel number (APN) 254-144-01-00]. Additionally, the project includes a proposed “off-site preserve area” comprised of APN 216-110-35-00. The proposed off-site preserve area would be preserved in perpetuity and left in its current undeveloped state in order to mitigate for biological impacts resulting from development of the project site. APN 216-110-35-00 totals approximately 4.95 acres (gross). Refer to Figure 2.0-2, Aerial Photograph/Surrounding Land Uses, and Figure 2.0-3, Conceptual Site Plan, for reference.

The project also includes a street vacation along portions of Piraeus Street and Plato Place. With City approval, an approximately 0.25 acre area of Plato Place and 0.71 acres along Piraeus Street, adjacent to the project boundary, would be vacated. With approval of the vacation, approximately 0.96 acres would be added to the total (gross) acreage of the project site.¹

The proposed development would consist of 52 one-bedroom homes, 37 two-bedroom homes, and 60 three-bedroom homes for a total of 149 residential units, which would be built within 16 individual three-story residential buildings. Of the 149 residential units, 134 would be market-rate homes and 15 would be “very low” income affordable homes. Proposed amenities include a pool, spa, pool house, and lounge seating. A total of 246 private garage parking spaces are planned, along with an additional 25 shared surface parking spaces for use by residents and their guests.

¹ Note that the project applicant is not including the additional 0.96 acres as part of the unit yield analysis.

2.0 Project Description

The project requires approval of a Condominium Tentative Map, Density Bonus Tentative Map, Street Vacation, Design Review Permit, and a non-appealable Coastal Development Permit, all issued by the City of Encinitas, to allow for development of the property. The Condominium Tentative Map is required to subdivide the 149 condominiums into separate parcels pursuant to the State of California Subdivision Map Act ~~so that they~~ to allow each condominium to ~~may~~ be sold as an individual unit under separate private ownerships. The Density Bonus Permit is to allow for affordable housing and incentives/waivers allowed under State Density Bonus Law (described below). The Design Review Permit is required in order to ensure project consistency with design review guidelines established by the City of Encinitas. The Street Vacation is to vacate excess right-of-way on a portion of Piraeus Street and a portion of Plato Place. The non-appealable Coastal Development Permit is required in conjunction with issuance of the Design Review Permit, given the project's location within the Coastal Zone. It should be noted that the Coastal Development Permit is non-appealable because the project site is not located within 100 feet of a California Coastal Commission jurisdictional resource.

As stated, the project would utilize State Density Bonus Law. Density Bonus Law allows projects to utilize up to three concessions and unlimited waivers. One incentive and one waiver are proposed. The incentive requested for the project is the elimination of the City's undergrounding utilities requirement for existing overhead utilities pursuant to Encinitas Municipal Code Section 23.36.120. All of the existing San Diego Gas & Electric utility poles that currently surround the project site are 12 kilovolt and would typically be required to be undergrounded. However, the undergrounding of those utilities would involve substantial improvement costs, and the cost savings associated with this incentive request would enable the project to instead provide for deed-restricted affordable housing on-site. The waiver requested for the project is necessary because the project exceeds the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project requires an approximately 40% encroachment into steep slope areas, and without this waiver, the project footprint would be substantially reduced, impacting the project's ability to provide for deed-restricted affordable housing on-site.

In March 2019, the City of Encinitas City Council adopted an update to its General Plan Housing Element which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the Housing Element is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The project site is identified as the "Cannon Property (Piraeus) - Site Number 02" in the City's Housing Element.

2.2 PROJECT OBJECTIVES

California Environmental Quality Act (CEQA) Guidelines Section 15124(b) requires a project description to contain a statement of objectives that includes the underlying purpose of the proposed project. The intended objectives of the Piraeus Point project are identified below. The underlying purpose of the project is to create a community that provides a mixture of product types that would offer opportunities for housing across income groups in conformance with the City's 2013-2021 Housing Element.

1. Provide housing options to support an inclusive, diverse community to meet current and future housing demand in the City.
2. Provide at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources.
3. Provide affordable housing within the project for very low income families, thereby helping to meet the state-mandated affordable housing requirements and further encouraging diversity within the community.
4. Provide dedicated on-site and off-site open space for the long-term protection of sensitive habitat and species for biological mitigation purposes, as well for the protection of existing views, by concentrating development within a portion of the site.
5. Provide a residential housing product aimed at meeting growing demand for for-sale multi-family townhomes.
6. Create a walkable environment that promotes and enhances the pedestrian experience throughout the site, with safe, convenient, and attractive connections including a walking paseo and an outdoor common area to support community engagement.
7. Minimize visual impacts of the development by providing landscaped buffers, distancing structures from adjacent roadways, and respecting maximum height allowances of the applicable zoning.

2.3 PROJECT COMPONENTS

2.3.1 RESIDENTIAL USES

A brief summary of the proposed residential use types is included in Table 2.0-1, Residential Land Use Summary. The project would accommodate development of 149 new residential townhome units, offering a variety of housing types that would allow for diversity in unit size and resident incomes. The community would consist of 52 one-bedroom homes, 37 two-bedroom homes, and 60 three-bedroom homes for a total of 149 residential homes. The units would be provided within 16 separate three-story residential buildings.

Table 2.0-1: Residential Land Use Summary

Plan Area	Unit Type	Square Footage per Unit (Net SF)	Number of DUs	Percentage of Total
Plan 1	1 bedroom/1 bath	783	52	34%
Plan 2	2 bedroom/2.5 bath	1,169	37	26%
Plan 3	3 bedroom/2.5 bath	1,404	60	40%
Total:			149 units	--

SF = square feet; DU = dwelling unit

Refer to Figure 2.0-3, Conceptual Site Plan, for a depiction of how the proposed unit types would be located within the proposed development area. Conceptual designs of the unit types are shown on Figures 2.0-4A through 2.0-4E, Representative Elevations.

Of the 149 total units, 134 would be for-sale market-rate residential units and 15 would be very low income affordable residential units (affordable to households earning no more than 50 percent of area median income). The units would be three stories in height and would comply with development requirements of the City's Housing Element, including restrictions on maximum average unit size.

The project site is identified as the "Cannon Property (Piraeus) – Site Number 02" in the City's Housing Element. Per the R-30 overlay zone that applies to this parcel, up to 161 residential units could be developed without application of allowances under state Density Bonus laws (5.36 net acres x 30 DU/acre). With the application of density bonus, the project could support up to 310 homes [(6.88 gross acres x 30 DU/acre) x 1.5 density bonus]. The 149 multi-family residential units proposed with the project would therefore be within the allowable unit count.

2.3.2 AMENITIES AND OPEN SPACE

Proposed amenities include a pool, spa, pool house, fire pit with seating, and lounge seating, totaling approximately 6,245 square feet (SF). Such amenities would be located in the central portion of the project site and would be available for use by residents and their guests.

A total of 38,575 SF of private open space is proposed for use by project residents. This includes approximately 10,400 SF of open space for the 1-bedroom units (52 units); 10,175 SF of open space for the 2-bedroom units (37 units); and 18,000 SF of open space for the 3-bedroom units (60 units). Overall, a total of 51,171 SF of open space is proposed for the project (private plus public), with 343 SF of open space provided per unit. Proposed open space would be in conformance with that required under the existing zoning (minimum 300 SF per unit x 149 units = 44,700 SF). Additionally, (off-site) landscaped areas are proposed adjacent to the project site along Piraeus Street and Plato Place that can be used by residents for lounging, walking, and other active and passive recreational activities.

2.3.3 ACCESS AND CIRCULATION

Access to the site would be provided at one primary entry drive from Piraeus Street. ~~In addition,~~ ~~an e~~Emergency/fire access would be provided from the south at Plato Place. [The access drive would be gated at its intersection with Plato Place and would be restricted to use by emergency vehicles only via a controlled entry.](#) In conformance with City requirements, the project would implement a traffic control plan to ensure that adequate circulation on surrounding local roadways is maintained during project construction and that no hazardous conditions are created that would interfere with public safety and/or emergency vehicle movement.

Interior circulation is proposed via a two-lane, 26-foot-wide interior roadway that would extend through the site and provide connection between Piraeus Street and Plato Place. The main roadway, along with internal/emergency access drives would provide vehicular access to the residential units and recreational amenities. The on-site access drives would provide direct access to the private garages and would be privately owned and maintained. All private access drives have been designed to meet City standards.

An on-site community paseo with enhanced hardscape and landscape plantings is planned within the interior of the site, providing pedestrian connection between the residential uses and the pool/common area, while also providing connection to the off-site sidewalk system. Sidewalks/pathways would be constructed along the on-site drives and along the frontage onto Piraeus Street and Plato Place.

2.0 Project Description

Additionally, a street vacation is requested as part of the project. With City approval, an approximately 0.25 acre area along the Plato Place frontage and 0.71 acres along the Piraeus Street frontage, adjacent to the project boundary, would be vacated.

2.3.4 LANDSCAPING

Ornamental landscaping would be planted along the eastern, southern, and western project perimeters to visually enhance the development and provide a buffer from adjacent uses. Additionally, limited landscaping would be planted along the northern boundary of the proposed project site, between the development and the proposed off-site biological open space to provide a buffer and serve as a transition between the development and the natural open space. Landscaping would also be planted within the interior of the site, along the on-site private drives, and in the vicinity of the pool/spa/recreation area; refer to Figures 2.0-5A and -5B, Conceptual Landscape Plan. Maintenance of all landscaping would be the responsibility of the Homeowner's Association (HOA).

The project design includes a variety of walls and fences within the property. An 8-foot high glass fence (glass panels with stainless steel post tubing) with gated entry is proposed along the on-site pool enclosure for security purposes. Additionally, construction of a number of concrete masonry retaining walls are proposed along the majority of the northern, eastern, southern, and western boundaries of the development area.

Along the northern property boundary, the retaining wall would range from approximately 0.4 feet to a maximum height of approximately 24.9 feet. Along the eastern property boundary, retaining walls would range from approximately zero feet to a maximum height of approximately 29.7 feet. Along the southern project boundary, retaining walls would range from approximately 2.8 feet to a maximum height of approximately 8.6 feet. Along the western property boundary, retaining walls would range from approximately zero feet to a maximum height of approximately 11.6 feet in height, near the proposed entry drive. The proposed walls and fences are depicted in Figure 2.0-6, Wall and Fencing Plan, as well as the grading plans (available under separate cover) prepared for the project. See also Section 3.1, Aesthetics, for additional discussion of proposed walls and fences.

It should also be noted that as part of ongoing landscape maintenance, the project would be required to provide routine brush clearing to minimize the risk of a wildfire event. The width of such brush clearing zones would exceed the City's 30-foot maximum width requirement, as identified in the City's General Plan; however, such preventative measures would be consistent with requirements identified by the City of Encinitas Fire Department to ensure that potential hazards are minimized and public safety is maintained. Refer also to Section 3.9, Land Use and Planning, and Section 3.15, Wildfire, for additional discussion.

2.3.5 PARKING

A total of 271 on-site parking spaces are proposed. On-site residential parking would be provided in the form of 246 private garage spaces. An additional 25 outdoor shared surface parking spaces are proposed adjacent to the on-site pool use/common use area for resident and guest use, as well as along the northern portion of the community. Refer also to Section 2.4, General Plan Land Use and Zoning, below, for additional discussion.

2.3.6 SIGNAGE

One monument sign is proposed at the entry drive along Piraeus Street. The sign would be approximately 5 feet in height and 14 feet in length. The sign would be constructed of charcoal gray concrete with wooden slats and would identify the name of the development using metal lettering painted white and backlit (during nighttime hours for visibility).

Limited signage is also proposed within the development area for informational purposes (e.g., building identification, directional signage, etc.). All project signage would be consistent with City of Encinitas signage design standards to minimize potential aesthetic effects and to ensure consistency with the character of the overall development and the surrounding area.

2.3.7 UTILITIES

Water

Water service for the project would be provided by the San Dieguito Water District (SDWD). The SDWD provides water service to the communities of Leucadia, Old Encinitas, Cardiff, and portions of New Encinitas. Water is sourced from Lake Hodges and the San Diego County Water Authority. Potable water is treated at the R.E. Badger Filtration Plant located in Rancho Santa Fe; recycled water is treated and generated at the San Elijo Water Reclamation Facility (City of Encinitas 2016).

A Project Facility Availability Form was issued by the SDWD on January 14, 2022 and is included in Appendix N. The SDWD has indicated that adequate water service can be provided to the site.

The project proposes the construction of an 8-inch private water main for fire protection purposes, as well as a 4-inch private water main for domestic water service. Both mains would be constructed as looped systems with the points of connection located off of Plato Place and Piraeus Street.

Estimated average daily water demand for the project are anticipated to be 46.6 gallons per minute (gpm) for domestic service, with maximum daily demand reaching 79.2 gpm. Average fire flow demand is estimated to be 2,500 gpm, with maximum daily water demand and fire flow

2.0 Project Description

demand combined reaching 2,579 gpm. Refer to Section 3.14, Utilities and Service Systems, for additional discussion regarding proposed improvements for the provision of water service.

Sewer

Sewer service for the project would be provided by the Leucadia Wastewater District (LWD). The LWD is one of six member agencies of the Encina Wastewater Authority (a joint powers authority). The LWD operates a regional wastewater treatment and disposal facility located in the City of Carlsbad.

The project would construct an 8-inch public sewer main to accommodate wastewater flows generated by the project. The proposed point of connection to the existing public sewer system would occur in Piraeus Street.

Average daily wastewater flows from the project site are estimated to be 32,035 gallons per day (gpd), with peak flows reaching 112,123 gpd. Refer to Section 3.14, Utilities and Service Systems, for specific details regarding proposed improvements for the provision of sewer service.

Stormwater

Under current conditions, the majority of the proposed development area drains north via surface/sheet flow before entering an existing storm drain conveyance system at the northwest corner of the property. Once in the storm drain system, runoff from the northeastern and central portions of the proposed development area flows to the west, crossing I-5 into an earthen ditch. The remainder of the site flows south via surface/sheet flow and enters the existing storm drain system at the southwest corner of the property. The existing system carries runoff across I-5 and discharges into an existing concrete lined ditch where it combines with runoff from the northeastern and central portions of the site. From this point, drainage from both basins continues north until it reaches Batiquitos Lagoon, and eventually, the Pacific Ocean.

Under the proposed condition, runoff from the majority of the site would flow to the proposed on-site storm drain system and be conveyed to the south to a proposed biofiltration basin located adjacent to Plato Place. Once the runoff is treated and stored, on the project site, the runoff would be conveyed to Piraeus Street via curb outlet. The runoff would then travel north and be discharged to an existing corrugated metal pipe to the northwest of the project site, which then drains to the west underneath I-5. Runoff generated from the (generally) northernmost and western portions of the proposed project site would primarily sheet flow west towards Piraeus Street where it would be collected in a concrete ditch and discharged into an existing headwall in proximity to the northwest corner of the ~~proposed~~-project site. All runoff would converge within a concrete ditch to the west of I-5 before traveling north and discharging into Batiquitos

~~Lagoon. it would be discharged into the existing storm drain system near the very southwestern corner of the proposed development area.~~

~~Runoff generated from the (generally) northernmost and western portions of the project site would primarily sheet flow west towards Piraeus Street where it would be collected in a concrete ditch and discharged into an existing headwall in proximity to the northwest corner of the proposed development area.~~

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 a proposed biofiltration basin adjacent to Plato Place. The biofiltration basin would be sized for pollution and flow control purposes. Flow rates generated on-site would be controlled via a low-flow orifice consistent with hydromodification program requirements as outlined in the City of Encinitas Best Management Practices (BMP) Manual.

In larger storm events, runoff not filtered through the engineered soil would be conveyed via an overflow outlet structure consisting of a 3-foot by 3-foot grate located on top of the outlet structure. Runoff conveyed via the outlet structure would bypass the treatment and flow control BMPs and would be conveyed directly to ~~the proposed storm drain system perpendicular to Piraeus Street~~ [via curb outlet](#).

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

Electricity and Natural Gas

San Diego Gas & Electric (SDG&E) currently provides electrical services to the surrounding area. All future electrical lines extended to the site would be undergrounded with the proposed improvements.

Per City of Encinitas Ordinance 2021-13, the use of natural gas is prohibited in residential uses, and therefore, the use of natural gas is not proposed. Specifically, Section 100.0, Subpart (e) of the California Energy Code is amended in Section 23.12. 080(D) of the City's Municipal Code to require all newly constructed buildings to meet the requirements of an "All -Electric Building" (no natural gas or propane plumbing installed within the building and no gas meter connection).

2.3.8 CONSTRUCTION PHASING

The project site is currently undeveloped; the demolition or removal of existing structures is therefore not required to allow for the proposed land uses and supporting infrastructure. Development of the site would occur at one time and would not be phased. All proposed site

2.0 Project Description

improvements (grading and excavation) are anticipated to be constructed within a period of approximately 8 months. An estimated 10.5-month vertical construction schedule is anticipated to build the 149 residential townhome units and associated amenities. Table 2.0-2, below, provides the estimated project construction schedule.

Table 2.0-2: Anticipated Construction Schedule

Construction Phase	Duration
Site Preparation	13 days
Grading	7.5 months
Building Construction	10.5 months
Architectural Coating	1.5 months
Paving	1 month

2.3.9 GRADING

The project site would be graded to allow for the proposed improvements. Grading required for project implementation would include approximately 83,000 cubic yards (c.y.) of cut and 25,400 c.y. of fill. Approximately 57,600 c.y. of soil would be exported off-site for disposal. Proposed maximum cut slopes would be approximately 33 feet in height; maximum fill slopes would be approximately 24 feet in height.

2.3.10 ENERGY EFFICIENCY

The project includes the following energy efficiency features:

1. The project would install low flow water fixtures in all residential units.
2. All lighting within the project would be designed using LED technology for both indoor and outdoor areas.
3. The project would provide separate waste containers to allow for simpler material separations, or the project would pay for a waste collection service that recycles the materials in accordance with California Assembly Bill 341 to achieve a 75% waste diversion. One hundred percent of all green waste would be diverted from landfills and recycled as mulch.
4. No fireplaces or hearths would be installed in the residential units.

5. The project would be 100 percent electric; no use of natural gas is proposed (consistent with City Ordinance 2021-13, adopted October 27, 2021).
6. The project would be required to utilize Tier 4 construction equipment with diesel particulate filters attached or equivalent.
7. The project would install solar panels capable of generating up to 149 kilowatts of solar power.
8. The project would install 4 electric vehicle (EV) parking spaces with charging stations in the vicinity of the on-site pool/common use area.
9. The project would comply with ENERGYSTAR appliance requirements and would meet ENERGYSTAR for Homes.
10. The project would install water efficient/drought tolerant and/or native landscape, use smart evapotranspiration controllers, would use reclaimed water project landscaping areas and would limit conventional turf.
11. The project would install high-efficiency heating, ventilation, and air conditioning systems.
12. The project would install high-efficiency water heaters or solar water heater systems.
13. The project would comply with CalGreen Tier II standards.

Transportation Demand Management (TDM) Program

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

- “Implement Electric Bikeshare Program” - Electric bikeshare programs provide users with on-demand access to electric pedal assist bikes for short-term rentals to encourage a mode shift from vehicle use to electric bicycles. The project applicant would work with the City and its bikeshare vendor to expand this program into the project area.
- “Provide Community Based Travel Planning” - The project’s homeowners association (HOA) would provide alternative modes of transportation information to residents and tenants as a part of the "new resident" or “new tenant" package. The HOA would also provide residents with transit schedules within the area, and alert residents when new transit services are added or when services are changed. The HOA would also act as a

2.0 Project Description

travel advisor, providing new residents and tenants with information regarding how members of households can travel in alternative ways that meet their needs.

2.3.11 FUEL MODIFICATION ZONES

A minimum 100-foot-wide fuel modification zone (FMZ) would be provided between the residential structures and wildland fuels. This area would include contiguous fuel modification along the northern area of the project site.

2.4 GENERAL PLAN LAND USE AND ZONING

The off-site preserve area (APN 216-110-35) currently has General Plan land use designations of RR1 (Rural Residential; 0.51-1.0 dwelling units/acre) and RR2 (Rural Residential; 1.01-2.0 dwelling units/acre), and is zoned RR1 (1 dwelling unit per acre maximum) and RR2 (2 dwelling unit per acre maximum). The proposed off-site preserve area is approximately 4.95 acres (gross) in size.

The project site (APN 254-144-01) currently has a General Plan land use designation of R30 OL (Residential 30 Overlay) and RR2 (Rural Residential; 1.01-2.00 dwelling units per acre) and is zoned RR2 with a R-30 overlay zone as part of the City's Housing Element. Under the R-30 overlay designation and zoning, the project site could be developed with up to 161 residential units without application of allowances under state Density Bonus laws [(5.36 net acres x 30 DU/acre)]. With the application of a density bonus, the project could support up to 310 homes [(6.88 gross acres x 30 DU/acre) x 1.5 density bonus]. No changes to the existing land use or zoning are required or proposed to allow for project implementation.

2.5 ENVIRONMENTAL SETTING**2.5.1 REGIONAL SETTING**

The City of Encinitas is located in northwestern coastal San Diego County. The City is bordered to the south by Solana Beach and to the west by the Pacific Ocean. The City of Carlsbad borders Encinitas to the northeast and extends farther to the east and north, across Batiquitos Lagoon. Regional access to the site is via I-5.

2.5.2 LOCAL SETTING

The project site is located within the community of Leucadia, one of five designated communities in the City of Encinitas. The Pacific Ocean lies approximately 0.9 mile west of the site and Batiquitos Lagoon lies approximately 0.6 mile to the north.

Local access to the site is via I-5 to eastbound La Costa Avenue, then south to Piraeus Street. The site is bordered by La Costa Avenue to the north, Plato Place to the south, and Piraeus Street to the west. Direct access into the site would be from Piraeus Street from the west. Additionally, Sky Loft Road traverses the off-site preserve area; refer to Figure 2.0-2, Aerial Photograph/Surrounding Land Uses.

Surrounding land uses include single-family residences directly to the east and distanced to the southeast/south; Piraeus Street and I-5 to the west; and vacant land and La Costa Avenue to the north. The site is located on the eastern side of a drainage that empties into Batiquitos Lagoon to the north, at the western edge of a developed suburban neighborhood setting, and just east of the northbound lanes of I-5.

On-site elevations range from approximately 15 to 175 feet above mean sea level across the project site (ECORP 2022). Topography of the project site is relatively flat, with slopes on the western and northern edges. A steep slope is present in the vicinity of where the project site meets the proposed off-site preserve area. Within the off-site preserve area, a steep slope occurs in a northeasterly direction.

The project site is currently undeveloped, vacant land; refer to Figure 2.0-2, Aerial Photograph/Surrounding Land Uses. The dominant vegetation community within the proposed development area is deerweed scrub and disturbed land cover. In the central portion of the development area is a patch of coastal sage scrub community (California sagebrush-California buckwheat scrub). A chaparral community, chamise chaparral, occupies the northern portion of the site. No large trees are present within the development area.

Within the proposed off-site preserve area, chamise chaparral is the only vegetation community found within both the proposed development area and preserve area and occurs at the boundary line between the two areas. The dominant vegetation communities present throughout off-site the preserve area are the coastal sage scrub community California brittle bush scrub and annual brome grassland. One walnut tree and a few Mexican fan palms are present within the preserve area. In the northernmost portion of off-site the preserve area is Lemonade berry scrub. A patch of nonnative giant reed break occurs just north of Skyloft Road. Chamise chaparral occupies the project site.

According to the U.S. Department of Agriculture's Natural Resources Conservation Service Web Soil Survey website, six soil types are located within the project area. These soil types include: Cieneba coarse sandy loam, 5 to 15 percent slopes, eroded; Corralitos loamy sand, 9 to 15 percent slopes; Gaviota fine sandy loam, 9 to 30 percent slopes; Gaviota fine sandy loam, 30 to 50 percent slopes; Marina loamy coarse sand, 9 to 30 percent slopes; and rough broken land (ECORP 2022).

2.5.3 PLANNING CONTEXT/PROJECT BACKGROUND

The project site is identified in the City of Encinitas General Plan Housing Element as a potential site for future development of new residential housing within the City. The City of Encinitas General Plan Housing Element Update (HEU) was adopted by the City on March 13, 2019. Subsequently, on June 13, 2019, the California Coastal Commission unanimously approved the Local Coastal Program Amendment (LCPA) associated with the City's Housing Plan Update. On July 10, 2019, the Encinitas City Council adopted Ordinance No. 2019-08, accepting the California Coastal Commission's LCPA as amended. On October 8, 2019, the California Department of Housing and Community Development (HCD) certified the City's Housing Element.

2.6 REQUIRED APPROVALS

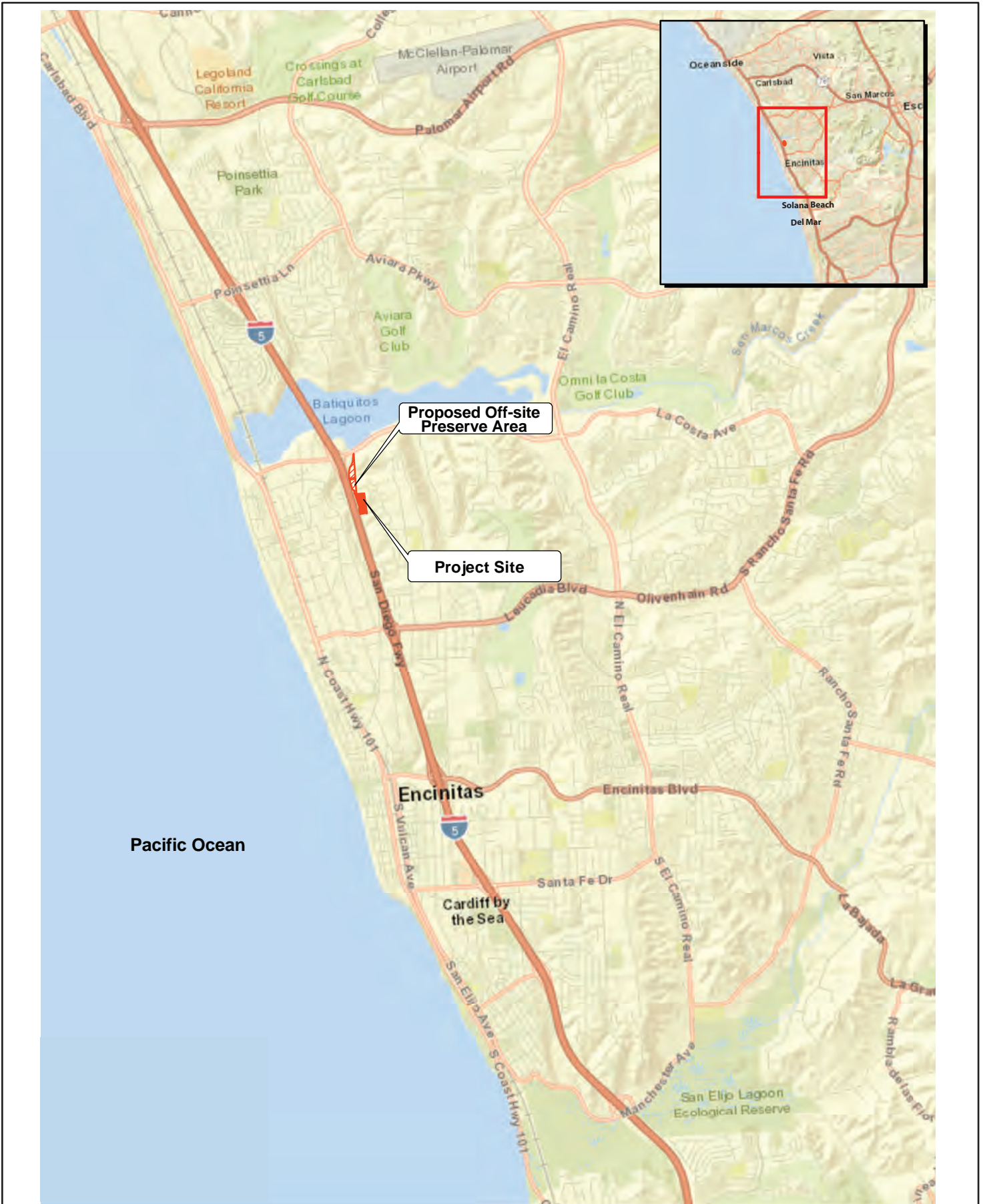
The City of Encinitas is the lead agency for the project, as it is the agency with primary authority over the project's discretionary approvals. Several other agencies, identified as responsible and trustee agencies, would also use the EIR for their consideration of approvals or permits under their respective authorities.

For the purposes of CEQA, the term trustee agency means a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the state of California. The term responsible agency includes all public agencies other than the lead agency that may have discretionary actions associated with the implementation of the proposed project or an aspect of subsequent implementation of the project. Accordingly, the approvals anticipated to be required from the lead agency, trustee agencies, and/or responsible agencies are listed in Table 2.0-3, Required Approvals and Permits.

Table 2.0-3: Required Approvals and Permits

Permit/Action Required	Approving Agency	Lead/Trustee/Responsible Agency
Condominium Tentative Map	City of Encinitas (City)	Lead Agency
Density Bonus Tentative Map	City	Lead Agency
Street Vacation	City	Lead Agency
Coastal Development Permit (CDP) (Non-appealable)	City	Lead Agency
Endangered Species Act - Section 10 Low-Effect Habitat Conservation Plan (HCP)	US Fish and Wildlife Service (USFWS)	Responsible Agency
Design Review Permit	City	Lead Agency
Landscape Plan	City	Lead Agency
Environmental Impact Report (EIR)	City	Lead Agency
General Construction Stormwater Permit	San Diego Regional Water Quality Control Board (RWQCB)	Responsible Agency
National Pollutant Discharge Elimination System (NPDES) Permit	San Diego RWQCB	Responsible Agency
Construction Permit and/or Encroachment Permit	City	Lead Agency
Stormwater Quality Management Plan/ Drainage Plan	City	Lead Agency
Grading Permit	City	Lead Agency
Building Permit	City	Lead Agency
Improvement Plans	City	Lead Agency

This page intentionally left blank.



This page intentionally left blank.



Aerial Photograph/Surrounding Land Uses

Figure 2.0-2



This page intentionally left blank.



Required Parking		
1 Bedroom	52x1.0/du	52.0 spaces
2 Bedrooms	37x1.5/du	55.5 spaces
3 Bedrooms	60x1.5/du	90.0 spaces
Total		197.5 spaces (1.32 spaces/du)

Provided Parking	
Garage:	246 spaces
Open Parking:	25 spaces
Total	271 spaces (1.82 spaces/du)

Electric Vehicle Charging Spaces
 Total parking spaces required: 25 x 15% = 4 spaces
 Total parking spaces provided: 4 spaces

Recreational vehicle parking will be prohibited.

Legend

- | | | | | |
|--|--------------------------|---|---------------------------------|---------------------------------|
| 1 Pedestrian Concrete Paving, Typ. | 5 Pool | 9 Bar Height Ledge w/ Seating | 13 Lounge Seating, Typ. | 17 Monument Sign |
| 2 Pedestrian Crosswalk w/ Concrete Pavers, Typ. | 6 Spa | 10 Outdoor Couches with Table | 14 Planting Area, Typ. | 18 Utility Backflow |
| 3 Vehicular Paving, Typ. | 7 Property Line | 11 Security Fence and Gate Around Pool, Typ. | 15 Retaining Walls, Typ. | 19 Vehicular Access Gate |
| 4 Pool House | 8 Shade Structure | 12 Pool Deck Chairs, Typ. | 16 Biofiltration Area | |

This page intentionally left blank.



WEST ELEVATION



SOUTH ELEVATION

MATERIAL LEGEND

- 1. STUCCO
- 2. SIDING
- 3. SECTIONAL GARAGE DOOR
- 4. METAL RAILING
- 5. GLASS RAILING



EAST ELEVATION



NORTH ELEVATION

This page intentionally left blank.



WEST ELEVATION



SOUTH ELEVATION

MATERIAL LEGEND

- 1. STUCCO
- 2. SIDING
- 3. SECTIONAL GARAGE DOOR
- 4. METAL RAILING
- 5. GLASS RAILING



EAST ELEVATION



NORTH ELEVATION

This page intentionally left blank.



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

This page intentionally left blank.



WEST ELEVATION



SOUTH ELEVATION

MATERIAL LEGEND

1. STUCCO
2. SIDING
3. SECTIONAL GARAGE DOOR
4. METAL RAILING
5. GLASS RAILING



EAST ELEVATION



NORTH ELEVATION

This page intentionally left blank.



WEST ELEVATION



SOUTH ELEVATION

MATERIAL LEGEND

- 1. STUCCO
- 2. SIDING
- 3. SECTIONAL GARAGE DOOR
- 4. METAL RAILING
- 5. GLASS RAILING



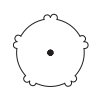
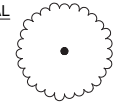


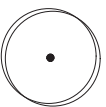
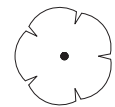

EAST ELEVATION

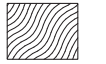


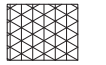
NORTH ELEVATION

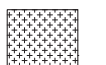
This page intentionally left blank.

CONCEPT PLANT SCHEDULE

	ACCENT TREES (24" BOX) ALOE X 'HERCULES' / HERCULES ALOE ARBUS X 'MARINA' / MARINA STRAWBERRY TREE MULTI-TRUNK CERCIS OCCIDENTALIS / WESTERN REDBUD MULTI-TRUNK	TOTAL 52		SLOPE TREES IN RIGHT OF WAY (24" BOX) PLATANUS RACEMOSA / CALIFORNIA SYCAMORE MULTI-TRUNK PRUNUS ILICIFOLIA / HOLLY LEAF CHERRY QUERCUS AGRIFOLIA / COAST LIVE OAK MULTI-TRUNK QUERCUS BERBERIDIFOLIA / SCRUB OAK	TOTAL 9
	SLOPE TREES (24" BOX) PLATANUS RACEMOSA / CALIFORNIA SYCAMORE MULTI-TRUNK PRUNUS ILICIFOLIA / HOLLY LEAF CHERRY QUERCUS AGRIFOLIA / COAST LIVE OAK MULTI-TRUNK QUERCUS BERBERIDIFOLIA / SCRUB OAK	4		ACCENT TREES IN RIGHT OF WAY (24" BOX) ALOE X 'HERCULES' / HERCULES ALOE ARBUS X 'MARINA' / MARINA STRAWBERRY TREE MULTI-TRUNK CERCIS OCCIDENTALIS / WESTERN REDBUD MULTI-TRUNK	35
	STREET TREES (24" BOX) QUERCUS AGRIFOLIA / COAST LIVE OAK TABEBUIA IMPETIGINOSA / PINK TRUMPET TREE ULMUS X 'FRONTIER' / FRONTIER ELM	34		STREET TREES IN RIGHT OF WAY (24" BOX) QUERCUS AGRIFOLIA / COAST LIVE OAK TABEBUIA IMPETIGINOSA / PINK TRUMPET TREE ULMUS X 'FRONTIER' / FRONTIER ELM	34
	SHADE TREES (24" BOX) GEJERA PARVIFLORA / AUSTRALIAN WILLOW OLEA EUROPAEA / OLIVE MULTI-TRUNK TIJUANA TIPU / TIPU TREE	4			

	SLOPE PLANTING (70% 1 GAL, 30% 5 GAL) BACCHARIS PILULARIS 'PIGEON POINT' / PIGEON POINT COYOTE BRUSH DUDLEYA BRITTONII / GIANT CHALK DUDLEYA ENCELIA CALIFORNICA / CALIFORNIA ENCELIA ERIGERON KARVINSKIANUM / SANTA BARBARA DAISY ERIODICTYON CRASSIFOLIUM / THICK-LEAVED YERBA SANTA FESTUCA RUBRA ARENARIA / CREEPING RED FESCUE HETEROMELES ARBUTIFOLIA / TOYON IVA HAYESIANA / SAN DIEGO POVERTY WEED LEYMUS TRITICOIDES 'LAGUNITA' / LAGUNITA WILD RYE OPUNTIA LITTORALIS / SHORE CACTUS PENNISETUM MESSIACUM 'RED BUNNY TAILS' / RED BUNNY TAILS FOUNTAIN GRASS SESLERIA AUTUMNALIS / AUTUMN MOOR GRASS YUCCA SCHIDIGERA / MOHAVE YUCCA YUCCA WHIPPLEI / CHAPARRAL YUCCA ZAUSCHNERIA CALIFORNICA / CALIFORNIA FUCHSIA	TOTAL 52,796 SF
---	--	---------------------------

	ACCENT PLANTING (50% 1 GAL, 50% 5 GAL) AGAVE ATTENUATA / FOXTAIL AGAVE ALOE ARBORESCENS / TORCH ALOE BAHIOPSIS LACINIATA / SAN DIEGO SUNFLOWER CAREX SPP. / SEDGE CARPENTERIA CALIFORNICA 'ELIZABETH' / ELIZABETH BUSH ANEMONE DIANELLA SPP. / DIANELLA DUDLEYA BRITTONII / GIANT CHALK DUDLEYA ERIGERON KARVINSKIANUM / SANTA BARBARA DAISY FESTUCA GLAUCA / BLUE FESCUE FESTUCA RUBRA ARENARIA / CREEPING RED FESCUE FURCRAEA MACDOUGALII / MACDOUGALL'S CENTURY PLANT LOMANDRA LONGIFOLIA 'BREEZE' / MAT RUSH RHAMNUS CALIFORNICA 'EVE CASE' / CALIFORNIA COFFEEBERRY RIBES SPP. / GOOSEBERRY ROSA CALIFORNICA / CALIFORNIA WILD ROSE SESLERIA AUTUMNALIS / AUTUMN MOOR GRASS VERBENA LILACINA 'DE LA MINA' / DE LA MINA LILAC VERBENA	39,971 SF
---	---	-----------

	BASIN PLANTING IN ROW (30% 1 GAL, 10% 5 GAL, 60% FLATS) ANEMOPSIS CALIFORNICA / YERBA MANSO CAREX PANSA / SANDDUNE SEDGE CAREX PRAEGRACILIS / CALIFORNIA FIELD SEDGE CAREX SPISSA / SAN DIEGO SEDGE CHONDROPETALUM TECTORUM / SMALL CAPE RUSH ESCHSCHOLZIA CALIFORNICA / CALIFORNIA POPPY JUNCUS SPP. / RUSH SPECIES LEYMUS CONDENSATUS 'CANYON PRINCE' / CANYON PRINCE GIANT WILD RYE LUPINUS ARBOREUS / YELLOW TREE LUPINE	7,522 SF
---	--	----------

	VINES ON RETAINING WALLS (100% 1 GAL) CLEMATIS PAUCIFLORA / SMALL-FLOWERED CLEMATIS FICUS PUMILA / CREEPING FIG LONICERA SUBSPICATA / SOUTHERN HONEYSUCKLE	1,097 SF
---	--	----------

NOTE:
ALL PROPOSED PLANT SPECIES CONFORM TO THE COUNTY OF SAN DIEGO STANDARDS FOR DEFENSIBLE SPACE AND TO THE FIRE PROTECTION PLAN (FPP).

ALL TRUNKS OF TREES SHALL BE LOCATED A MIN. OF 5'-0" FROM WET UTILITIES. DEEPROOT ROOT BARRIER TO BE UTILIZED WHERE TREES ARE WITHIN 10' OF UTILITIES, HARDSCAPE, AND BUILDING FOUNDATIONS.

THE PROJECT WILL PROVIDE A MINIMUM OF 50% NATIVE VEGETATION PER THE CITY OF ENCINITAS CODE.

PLANTING CALCULATIONS

PLANTING AREA REQUIRED:
15% OF 233,329 SF NET LOT AREA: 0.80 AC (34,999 SF)

PLANTING AREA PROPOSED:
52,796 SF SLOPE PLANTING
39,971 SF ACCENT PLANTING
7,522 SF BASIN PLANTING
100,289 SF TOTAL

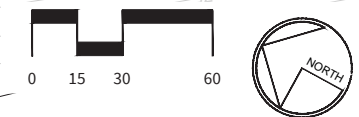
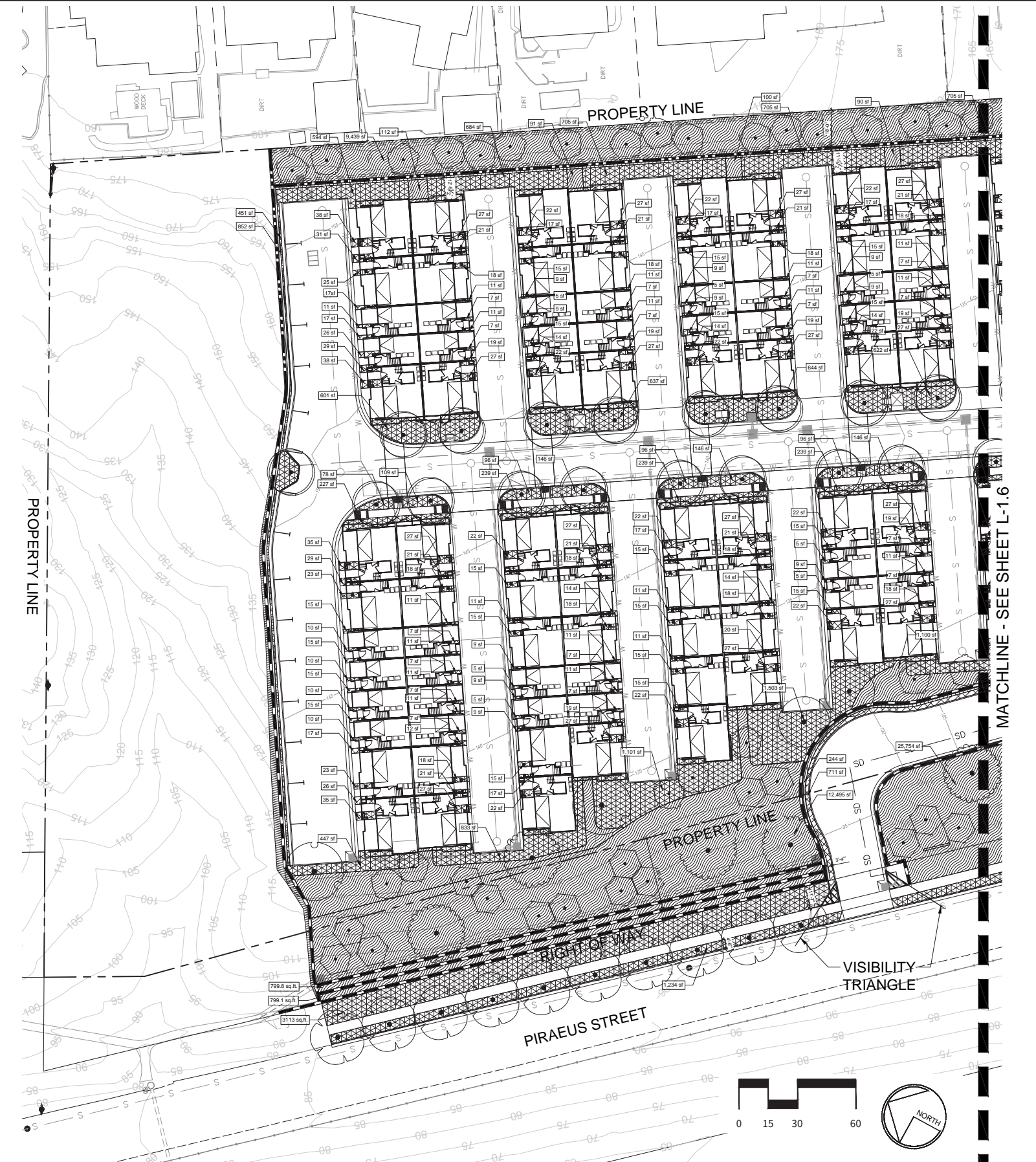
TREE REQUIREMENT (30 PER 5.3565 NET AC): 161

PROPOSED TREES: 172 TOTAL
94 ON SITE TREES
78 OFF SITE TREES

*SEE PLANTING LEGEND FOR QUANTITIES

PARKING LANDSCAPE CALCULATIONS

LANDSCAPE AREA REQUIRED:
15% OF 8,910 SF PARKING AREA: 1,300 SF
LANDSCAPE AREA PROVIDED: 1,324 SF
TREES REQUIRED: 3
TREES PROPOSED: 3



This page intentionally left blank.

CONCEPT PLANT SCHEDULE

	ACCENT TREES (24" BOX) ALOE X 'HERCULES' / HERCULES ALOE ARBUTUS X 'MARINA' / MARINA STRAWBERRY TREE MULTI-TRUNK CERCIS OCCIDENTALIS / WESTERN REDBUD MULTI-TRUNK	TOTAL 52		SLOPE TREES IN RIGHT OF WAY (24" BOX) PLATANUS RACEMOSA / CALIFORNIA SYCAMORE MULTI-TRUNK PRUNUS ILICIFOLIA / HOLLY LEAF CHERRY QUERCUS AGRIFOLIA / COAST LIVE OAK MULTI-TRUNK QUERCUS BERBERIDIFOLIA / SCRUB OAK	TOTAL 9
	SLOPE TREES (24" BOX) PLATANUS RACEMOSA / CALIFORNIA SYCAMORE MULTI-TRUNK PRUNUS ILICIFOLIA / HOLLY LEAF CHERRY QUERCUS AGRIFOLIA / COAST LIVE OAK MULTI-TRUNK QUERCUS BERBERIDIFOLIA / SCRUB OAK	4		ACCENT TREES IN RIGHT OF WAY (24" BOX) ALOE X 'HERCULES' / HERCULES ALOE ARBUTUS X 'MARINA' / MARINA STRAWBERRY TREE MULTI-TRUNK CERCIS OCCIDENTALIS / WESTERN REDBUD MULTI-TRUNK	35
	STREET TREES (24" BOX) QUERCUS AGRIFOLIA / COAST LIVE OAK TABEBUIA IMPETIGINOSA / PINK TRUMPET TREE ULMUS X 'FRONTIER' / FRONTIER ELM	34		STREET TREES IN RIGHT OF WAY (24" BOX) QUERCUS AGRIFOLIA / COAST LIVE OAK TABEBUIA IMPETIGINOSA / PINK TRUMPET TREE ULMUS X 'FRONTIER' / FRONTIER ELM	34

	SHADE TREES (24" BOX) GEIJERA PARVIFLORA / AUSTRALIAN WILLOW OLEA EUROPAEA / OLIVE MULTI-TRUNK TIPUANA TIPU / TIPU TREE	4			
--	--	---	--	--	--

	SLOPE PLANTING (70% 1 GAL, 30% 5 GAL) BACCHARIS PILULARIS 'PIGEON POINT' / PIGEON POINT COYOTE BRUSH DUDLEYA BRITTONII / GIANT CHALK DUDLEYA ENCELIA CALIFORNICA / CALIFORNIA ENCELIA ERIGERON KARVINSKIANUM / SANTA BARBARA DAISY ERIODICTYON CRASSIFOLIUM / THICK-LEAVED YERBA SANTA FESTUCA RUBRA ARENARIA / CREEPING RED FESCUE HETEROMELES ARBUTIFOLIA / TOYON IVA HAYESIANA / SAN DIEGO POVERTY WEED LEYMUS TRITICOIDES 'LAGUNITA' / LAGUNITA WILD RYE OPUNTIA LITTORALIS / SHORE CACTUS PENNISETUM MESSIACUM 'RED BUNNY TAILS' / RED BUNNY TAILS FOUNTAIN GRASS SESLERIA AUTUMNALIS / AUTUMN MOOR GRASS YUCCA SCHIDIGERA / MOHAVE YUCCA YUCCA WHIPPLEI / CHAPARRAL YUCCA ZAUSCHNERIA CALIFORNICA / CALIFORNIA FUCHSIA	TOTAL 52,796 SF			
--	---	--------------------	--	--	--

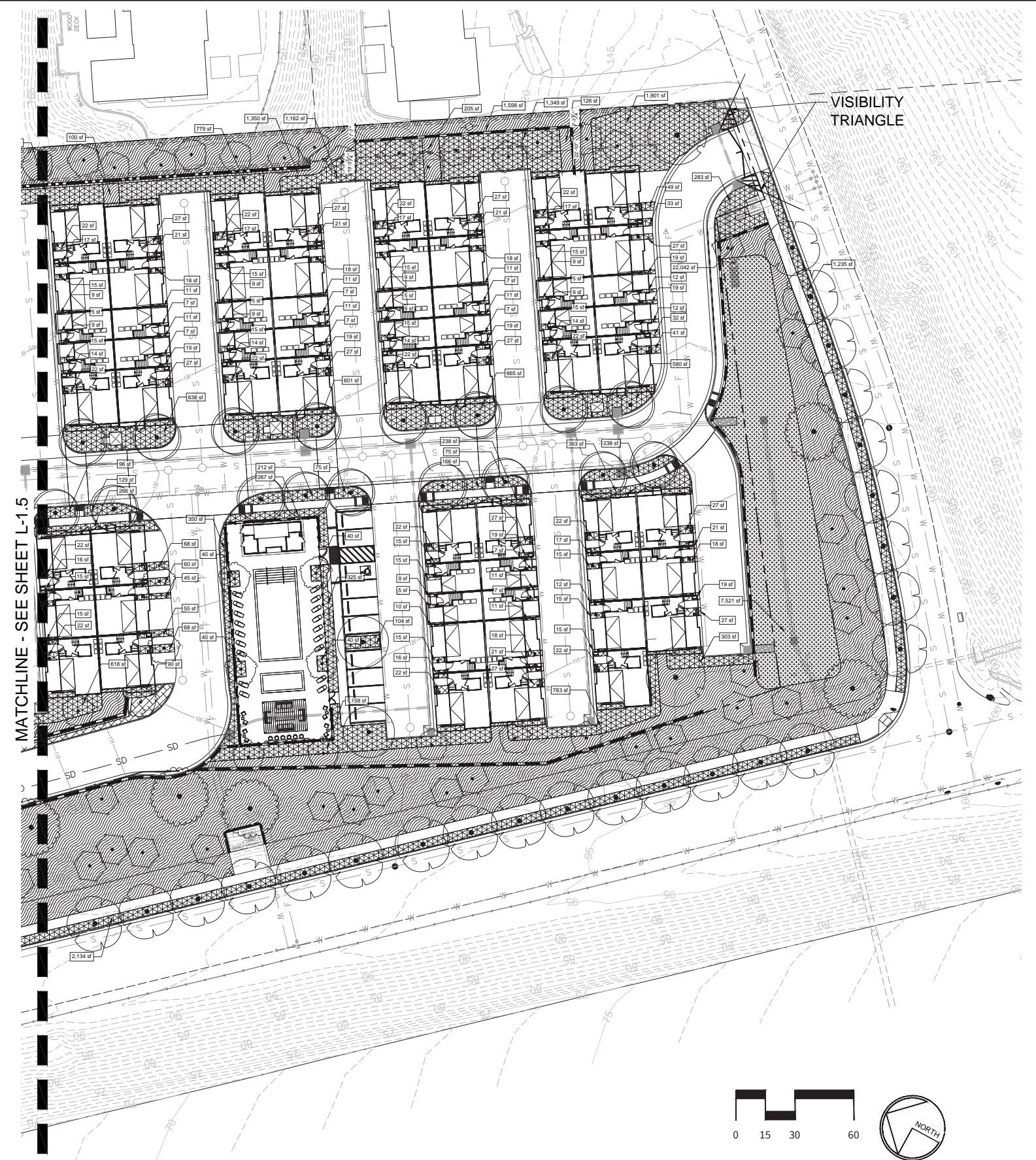
	ACCENT PLANTING (50% 1 GAL, 50% 5 GAL) AGAVE ATTENUATA / FOXTAIL AGAVE ALOE ARBORESCENS / TORCH ALOE BAHIOPSIS LACINIATA / SAN DIEGO SUNFLOWER CAREX SPP. / SEDGE CARPENTERIA CALIFORNICA 'ELIZABETH' / ELIZABETH BUSH ANEMONE DIANELLA SPP. / DIANELLA DUDLEYA BRITTONII / GIANT CHALK DUDLEYA ERIGERON KARVINSKIANUM / SANTA BARBARA DAISY FESTUCA GLAUCA / BLUE FESCUE FESTUCA RUBRA ARENARIA / CREEPING RED FESCUE FURCRAEA MACDOUGALII / MACDOUGALL'S CENTURY PLANT LOMANDRA LONGIFOLIA 'BREEZE' / MAT RUSH RHAMNUS CALIFORNICA 'EVE CASE' / CALIFORNIA COFFEEBERRY RIBES SPP. / GOOSEBERRY ROSA CALIFORNICA / CALIFORNIA WILD ROSE SESLERIA AUTUMNALIS / AUTUMN MOOR GRASS VERBENA LILACINA 'DE LA MINA' / DE LA MINA LILAC VERBENA	39,971 SF			
--	--	-----------	--	--	--

	BASIN PLANTING IN ROW (30% 1 GAL, 10% 5 GAL, 60% FLATS) ANEMOPSIS CALIFORNICA / YERBA MANSA CAREX PANSA / SANDDUNE SEDGE CAREX PRAEGRACILIS / CALIFORNIA FIELD SEDGE CAREX SPISSA / SAN DIEGO SEDGE CHONDRPETALUM TECTORUM / SMALL CAPE RUSH ESCHSCHOLZIA CALIFORNICA / CALIFORNIA POPPY JUNCUS SPP. / RUSH SPECIES LEYMUS CONDENSATUS 'CANYON PRINCE' / CANYON PRINCE GIANT WILD RYE LUPINUS ARBOREUS / YELLOW TREE LUPINE	7,522 SF			
--	--	----------	--	--	--

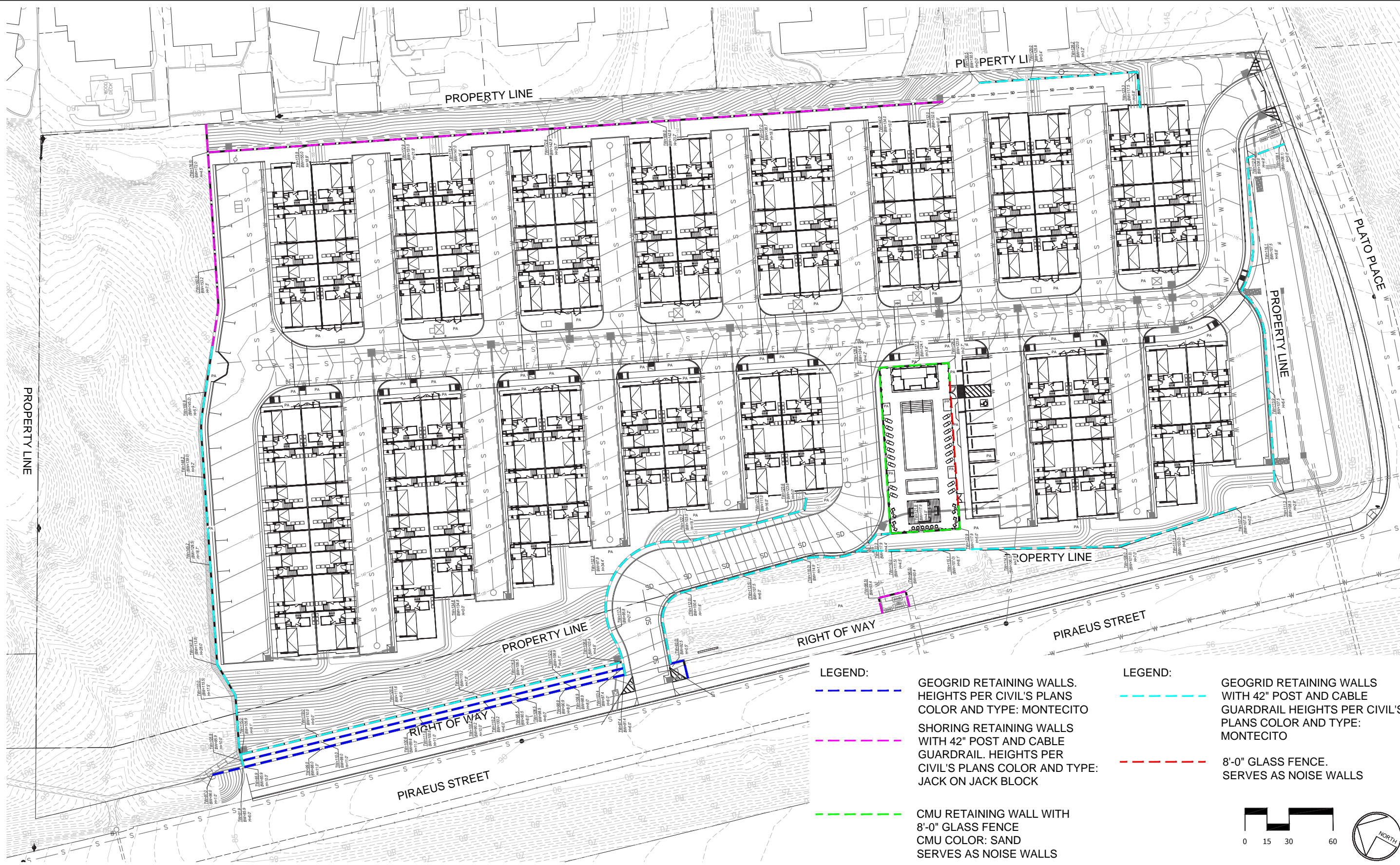
	VINES ON RETAINING WALLS (100% 1 GAL) CLEMATIS PAUCIFLORA / SMALL-FLOWERED CLEMATIS FICUS PUMILA / CREEPING FIG LONICERA SUBSPICATA / SOUTHERN HONEYSUCKLE	1,097 SF			
--	---	----------	--	--	--

NOTE:
ALL PROPOSED PLANT SPECIES CONFORM TO THE COUNTY OF SAN DIEGO STANDARDS FOR DEFENSIBLE SPACE AND TO THE FIRE PROTECTION PLAN (FPP).
ALL TRUNKS OF TREES SHALL BE LOCATED A MIN. OF 5'-0" FROM WET UTILITIES. DEEPROOT ROOT BARRIER TO BE UTILIZED WHERE TREES ARE WITHIN 10' OF UTILITIES, HARDSCAPE, AND BUILDING FOUNDATIONS.

THE PROJECT WILL PROVIDE A MINIMUM OF 50% NATIVE VEGETATION PER THE CITY OF ENCINITAS CODE.



This page intentionally left blank.

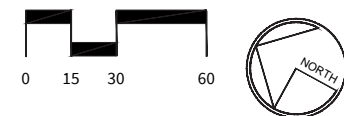


LEGEND:

- - - - - GEOGRID RETAINING WALLS. HEIGHTS PER CIVIL'S PLANS COLOR AND TYPE: MONTECITO
- - - - - SHORING RETAINING WALLS WITH 42" POST AND CABLE GUARDRAIL. HEIGHTS PER CIVIL'S PLANS COLOR AND TYPE: JACK ON JACK BLOCK
- - - - - CMU RETAINING WALL WITH 8'-0" GLASS FENCE CMU COLOR: SAND SERVES AS NOISE WALLS

LEGEND:

- - - - - GEOGRID RETAINING WALLS WITH 42" POST AND CABLE GUARDRAIL HEIGHTS PER CIVIL'S PLANS COLOR AND TYPE: MONTECITO
- - - - - 8'-0" GLASS FENCE. SERVES AS NOISE WALLS



This page intentionally left blank.

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

SECTION CONTENT AND DEFINITION OF TERMS

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

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

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

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

Each potentially significant environmental issue is addressed in a separate section of the EIR (Sections 3.1 through 3.15) and is organized into the following general subsections:

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

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

IMPACT ANALYSIS

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

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

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

MITIGATION MEASURES

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

Sections 3.1 through 3.15, where necessary, to address an identified potentially significant impact.

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

CUMULATIVE IMPACT EVALUATION

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

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

Cumulative Impact Methodology

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

3.0 Environmental Analysis

- **List Approach** – Entails listing past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside of the control of the agency; or,
- **Projection Approach** – Uses a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document that has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact.

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

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

Table 3.0-1: Cumulative Projects

Map No.	HEU Site No. (if applicable)	Project Name	Location	Development Proposed	Status
-	Portion = Site 2	Cannon Property (Piraeus) - Proposed Project	Piraeus Street and Plato Place	149	Under Review
1	--	Encinitas Beach Resort (Alila Marea Resort)	Highway 101/La Costa Avenue	130 room hotel with 5,827 SF restaurant/bar	Constructed / Operational
2	--	Surfer’s Point Hotel	NE Corner of Highway 101/La Costa Avenue	24 unit timeshare hotel resort	Under Review

Table 3.0-1, continued

Map No.	HEU Site No. (if applicable)	Project Name	Location	Development Proposed	Status
3	--	516 La Costa Development	516 La Costa Avenue	17 room hotel / 3,089 SF restaurant	Under Review
4	--	Skyloft	Skyloft Road between Piraeus Street and Burgundy Road	17 single family residential units	Under Review
5	--	Weston Subdivision	510 La Costa Avenue	46 single family residential units	Under Construction
6	9	Echter Property (Fox Point Farms)	1150 Quail Gardens Drive	250	Under Construction
7	AD2a, AD2b, and AD2c	Quail Meadows Apartments	Mays Hollow Lane, 225 Quail Gardens Drive	483 ²	In Review
8	Portion = Site 7	Marea Village (Jackel Properties)	1950 Highway 101	94 for-lease apartments/34-room boutique hotel/18,261 SF mixed-use development	Approved
9	8a	Rancho Santa Fe Parcels (Gaffey/Goodsen)	2220, 2230, and 2228 Encinitas Boulevard	283 ¹	Approved
10	AD8	Vulcan & La Costa Avenue	1967 N Vulcan Avenue	68 ²	In Review
11	12	Sunshine Gardens	630 Encinitas Boulevard	140 ¹	Under Construction
12	--	Moonlight Mixed Use	154, 184, & 196 N Coast Highway 101	50,408 Commercial Area proposed with 45 residential units	In Review
13	--	NINE7ZERO PCH Leucadia	978 N. Coast Highway	Mixed Use with 9 residential units	In Review
14	5	Moonlight Station	550-590, 696 Encinitas Blvd.	202	In Review
15	AD31	Clark Avenue Apartments	662, 672 & 682 Clark Avenue and 556 Union Street	199	Approved

Table 3.0-1, continued

Map No.	HEU Site No. (if applicable)	Project Name	Location	Development Proposed	Status
16	--	Bella Vista Subdivision	Bella Vista Drive (APN: 216-122-17-00)	17 residential units	In Review

Notes:

SF = square feet; HEU = (General Plan) Housing Element Update

¹ Denotes the number of DUs that would theoretically be constructed with application of the density bonus allowance and/or as previously approved by the City.² Denotes the number of DUs proposed with the application as currently being processed through the City.

Source: City of Encinitas 2013 - 2021 General Plan Housing Element Update; Table C-2: Net Acreage and Unit Yield Per Site; Correspondence with City of Encinitas, Planning Division, September 2022; Local Transportation Assessment (Intersecting Metrics 2022; available under separate cover).

While they had not done so at the time the NOP was filed for the proposed project, it is reasonably foreseeable the remaining General Plan Housing Element Update (HEU) sites will also file an application; therefore, to be conservative, all of the 2013-2021 Housing Element Update sites have been included in the cumulative impact analysis to the extent that they may contribute to certain issue-specific cumulative effects (i.e., public services such as school services; recreation; sewer capacity; transportation, etc.). Thus, the cumulative analysis in this EIR is based on a “worst-case” assumption that all of the HEU sites are developed. The remaining HEU sites (not including the proposed project and those listed in Table 3.0-1) are identified in Table 3.0-2, Housing Element Update Sites, and are shown with the estimated potential number of dwelling units that may be allowed with application of the density bonus allowance.

Table 3.0-2: Housing Element Update Sites¹

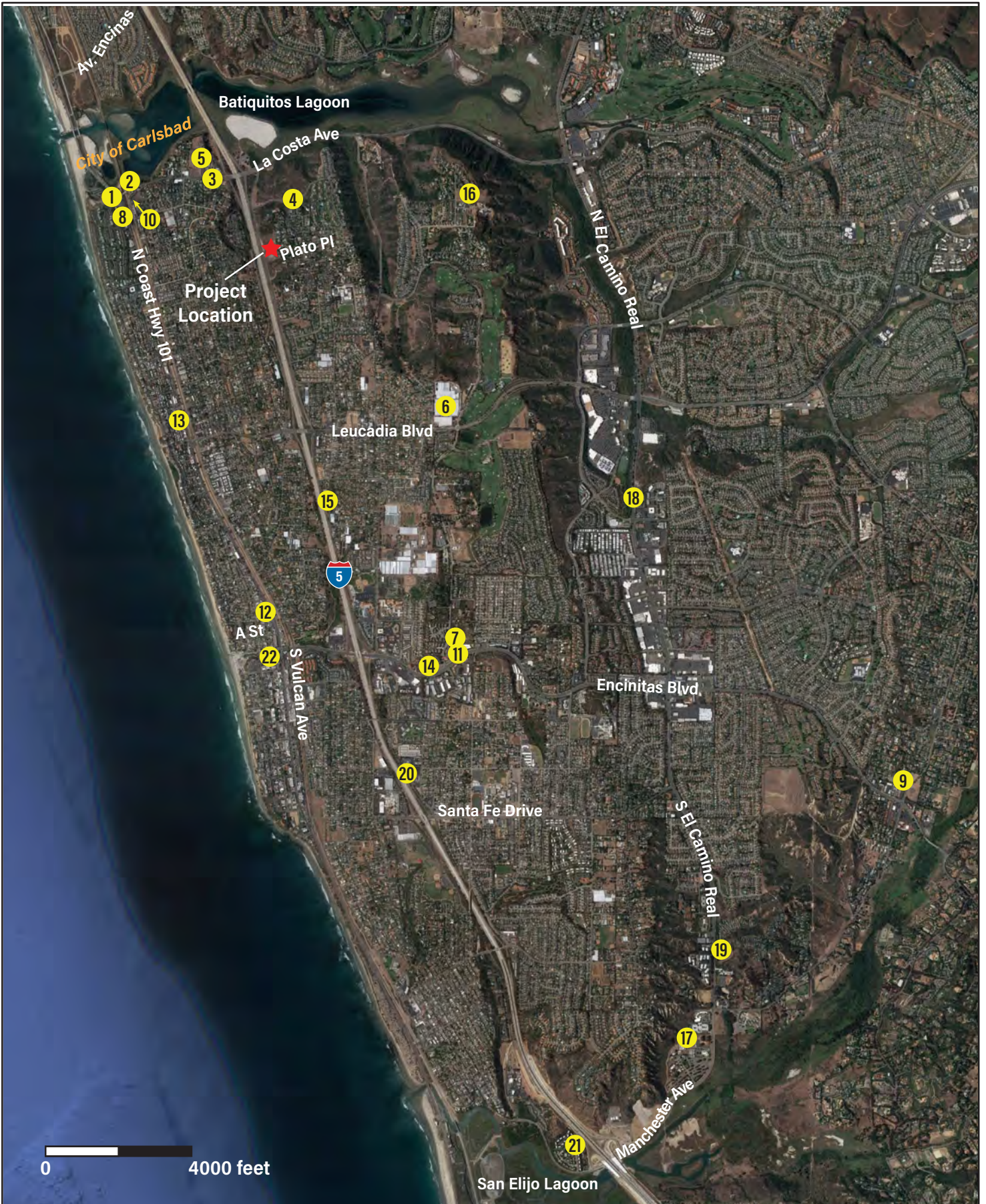
Map No.	HEU Site No.	Project Name	Location	Allocated DUs in HEU
17	1	Greek Church Parcel	3459 Manchester Avenue	50
18	6a	Armstrong Parcels	N. El Camino Real	55
19	AD1	Sage Canyon	Sage Canyon Drive	60
20	AD9	Seacoast Church	1050 Regal Road	35
21	A11	Manchester Avenue West Sites	2951 Manchester Avenue	41
22	AD14	Harrison Sites	364 and 371 2 nd Street	21
Total				262

Notes:

DU = dwelling units; HEU = (General Plan) Housing Element Update

¹ Housing Element Update sites not included in Table 3.0-1, above.

Source: City of Encinitas 2013-2021 Housing Element Update, Table C-2: Net Acreage and Unit Yield Per Site; Correspondence with City of Encinitas, Planning Division, September 2022.



Cumulative Projects Map

Figure 3.0-1



This page intentionally left blank.

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

ENVIRONMENTAL SETTING

Project Setting

The project site is located at the northeast corner of Piraeus Street and Plato Place in the Leucadia community of Encinitas, in central coastal San Diego County. Undeveloped land borders the site to the north (proposed off-site preserve area). Existing single-family residential development lies immediately to the east of the project site and at a distance to the south and southeast across Plato Place. Piraeus Street parallels the western property boundary, with Interstate 5 (I-5) running north-south further to the west.

The project site is currently undeveloped, vacant land. On-site vegetation communities generally consist of deerweed scrub, disturbed land cover, coastal sage scrub community (California sagebrush-California buckwheat scrub), and chamise chapparral. No large trees are present within the project site. Chamise chaparral is present in the northern portion of the project site. The northern off-site preserve area is generally occupied by chamise chapparral, coastal sage scrub community, California brittle bush scrub, annual brome grassland, Lemonade berry scrub, and giant reed break. One walnut tree and several Mexican fan palms are also located within the northern off-site preserve area.

Site topography is relatively flat with slopes along the western and northern edges. Between the project site and the off-site preserve area exists a steep slope.

Project Viewshed

The viewshed is generally the area that is visible from an observer's viewpoint and includes the screening effects of intervening vegetation, topography, and/or physical structures. Viewsheds may occur from designated scenic viewpoints or from singular vantage points where an unobstructed view of visual components within the landscape exists. A viewshed is composed of such elements as topography and natural land features (e.g., hillsides, mountains) which may

3.1 Aesthetics

limit or restrict potential views, as well as other physical features within the landscape, such as buildings, vegetation, and water features. Potential visual impacts within a 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.

Within the surrounding viewshed, varied views of the site from vehicles (or other modes of transit, such as bicycles) are afforded as passengers travel along I-5, La Costa Avenue, Sky Loft Road, Piraeus Street, and/or Plato Place, as well as other roadways proximate to the site. Intermittent views may also occur from area roads at a distance to the north of the site (e.g., from across Batiquitos Lagoon) and/or at higher elevations. However, the viewshed is somewhat limited to those properties in proximity to the project site, as views from surrounding public vantage points (in particular to the west and south, as well as further to the east of the site beyond the adjacent existing residential uses) are restricted due to intervening vegetation and existing development.

Additionally, critical viewsheds are defined in the City's General Plan Resource Management Element as those areas that extend radially for approximately 2,000 feet from designated vista points and cover areas upon which development could potentially obstruct, limit, or degrade the view. The project site lies within an identified critical viewshed area (City of Encinitas 1991); refer to Figure 3.1-1A, Scenic Resources.

Viewer Response

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

Viewer Sensitivity

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

Viewer Groups

Viewer groups would mainly consist of individuals traveling in proximity to the project site, generally along Piraeus Street, Plato Place, Sky Loft Road, I-5, La Costa Avenue, and Gabbiano Lane. Viewer groups are anticipated to consist of local residents and/or visitors traveling through the area viewing the subject site from surrounding public roads, as well as area sidewalks or trails. Roadway users would primarily be drivers and passengers in cars, trucks, and on motorcycles, as well as bicyclists.

Viewer Exposure

Views of the site from vehicles (or other modes of transportation) traveling along area roadways would vary due to distance. Views would generally be restricted by existing development, intervening vegetation, area topography, and the length of time the site is actually visible from a particular location along an area roadway. In determining the exposure of each viewer group, several factors are considered, including the number of viewers experiencing visual changes, duration of views, anticipated speed at which viewers would be traveling, and the relation of the viewer to the project site. Table 3.1-1 below summarizes the anticipated viewer groups and the potential viewing experience of each.

Table 3.1-1: Viewer Groups and Anticipated Exposure

Anticipated Viewer Group	Number of Viewers	Distance to the Project	Anticipated Views	Quality of Existing View	Viewer Sensitivity	Duration of Viewer Exposure
Piraeus Street (vehicles, bicyclists, pedestrians)	Varies	Adjacent to project site	Project site is visible; Views vary based upon viewing location	Low -Moderate	Moderate	Varies; estimated 45-60 seconds depending on travel speed (posted speed limit is 45 mph)
Plato Place (vehicles, pedestrians)	Varies	Adjacent to project site	Project site is visible; Northern off-site preserve area is obscured from view	Low -Moderate	Moderate	Varies; estimated 10-15 seconds depending on travel speed (no posted speed limit)
Sky Loft Road (vehicles)	Varies	0.13 miles (north or project site)	Portions of the project site are visible; Northern off-site preserve area is visible	Low - Moderate	Moderate	Varies; estimated 15-20 seconds depending on travel speed (posted speed limit is 25 mph)

3.1 Aesthetics

Table 3.1-1, continued

Anticipated Viewer Group	Number of Viewers	Distance to the Project	Anticipated Views	Quality of Existing View	Viewer Sensitivity	Duration of Viewer Exposure
Interstate 5 (vehicles)	Varies	0.02 miles (west of project site)	Entire project site is visible	Low -Moderate	Low - Moderate	Varies; estimated 10-20 seconds depending on travel speed (posted speed limit is 65 mph)
La Costa Avenue (vehicles, bicyclists, pedestrians)	Varies	0.3 miles (north of project site)	Entire project site and northern off-site preserve area are visible	Moderate	Low - Moderate	Varies; estimated 10-15 seconds depending on travel speed (posted speed limit is 55 mph)
Gabbiano Lane/Public Trails Across Batiquitos Lagoon (vehicles, bicyclists, pedestrians)	Varies	0.7 miles (northwest of project site)	Views of project site are intermittent/obscured; portions of northern off-site preserve area may be visible	Moderate	Low	Varies; estimated 5-30 seconds depending on travel speed
Residences in Surrounding Area (Private Views)	Varies; not public views	Varies	Portions of project site and off-site preserve area may be visible or visible to a degree from certain vantage points	Moderate	Moderate	Varies; average of 10 to 12 hours per day

Notes: mph = miles per hour

Principal Viewpoints Considered (Key Views)

Intermittent views of the site are experienced by viewers from varying public vantage points within the surrounding viewshed (e.g., residential properties to the east and southeast; Batiquitos Lagoon). The following are key public views from which it is anticipated that the proposed improvements would have the highest degree of visibility; refer also to Figure 3.1-1B, Key View Map:

- **Key View 1:** View from the southwest corner of Piraeus Street and Plato Place looking north/northeast.

- **Key View 2:** View from Plato Place near the southeastern portion of the site looking west/northwest.
- **Key View 3:** View from 1690 Gascony Road (Station White) looking west.
- **Key View 4:** View from southbound Interstate 5 looking east.

Station White

Station White is a historic overlook located directly east of Gascony Road in Encinitas. The observation post was constructed in 1942 and designated as a World War II outlook due to the clear views of the Pacific Ocean it provided. After chief spotter Richard Scott contracted polio and was no longer able to manage Station White operations, many local volunteers, primarily women, acquired spotting duties at the observation post. In June 2006, Station White was dedicated as a historic viewshed within the City of Encinitas.

In March 2011, Encinitas City Council passed Resolution 2011-04, consistent with the Local Coastal Program, to add a new Policy 4.9 to the Resource Management Element of the City's General Plan, as described below. In recognition of Station White's historic views as culturally and historically significant to the local community, the new policy designated Station White as the first historical viewshed within the City, and the Visual Resource Sensitivity Map of the General Plan was revised to include Station White as a historic viewshed.

In addition, Policy 4.10 (previously Policy 4.9) was revised to include proposed development adjacent to historic viewsheds as an additional location subject to road and development design criteria outlined in the Resource Management Element, and to the provisions outlined in the Scenic/Visual Corridor Overlay Zone. Additionally in 2011, the City Council amended Chapter 30.34, Section 80 of the City's Municipal Code to add subsection C "Historic Viewsheds," thereby including such viewsheds within the City's Scenic/Visual Corridor Overlay Zone. This addition granted the City's Planning Commission the authority to establish historic viewsheds based on variety of resources, such as written descriptions or photos.

REGULATORY FRAMEWORK

Federal

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

3.1 Aesthetics***State*****Caltrans Scenic Highway Program**

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

Interstate 5 in the vicinity of the project site is designated as an eligible state scenic highway under Caltrans' Scenic Highway Program. The segment identified as eligible for consideration as a state scenic highway extends from State Route 74 near the City of San Juan Capistrano to the north to its intersection with State Route 75, across the San Diego Bay from the City of Coronado to the south.

California Coastal Act

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

Local**City of Encinitas General Plan**

The City's General Plan includes background information, goals, and policies aimed at the protection and maintenance of community character and aesthetic resources (which incorporate goals and policies of the City's LCP). Relevant goals and policies are listed below.

Circulation Element

GOAL 4: **The City should make every effort to develop a circulation system that highlights the environmental and scenic amenities of the area. (Coastal Act/30251)**

Policy 4.1: Design roads to enhance scenic areas. (Coastal Act/30251)

- Policy 4.2: Promote and encourage roadside and median landscaping.
- Policy 4.10: Develop street lighting standards, where appropriate, consistent with neighborhood/community character and night sky viewing.
- Policy 4.11: Keep street lighting, curbs, and gutter requirements consistent with individual neighborhood character.
- Policy 4.12: Encourage undergrounding of utilities within street rights-of-way and transportation corridors. (Coastal Act/30251)

Land Use Element

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

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

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

- a) provide a balance of commercial and residential uses which creates and maintains the quality of life and small-town character of the individual communities; and
- b) protect and enhance the City's natural resources and indigenous wildlife.

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

GOAL 7: Development in the community should provide an identity for the City while maintaining the unique identity of the individual communities. (Coastal Act/30253)

GOAL 9: Preserve the existence of present natural open spaces, slopes, bluffs, lagoon areas, and maintain the sense of spaciousness and semirural living within the I-5 View Corridor and within other view corridors, scenic

3.1 Aesthetics

highways and vista/view sheds as identified in the Resource Management Element. (Coastal Act/30240/30251)

Policy 9.2: Encourage retention of buffer zones such as natural vegetation or earth barriers, bluffs, and canyons to protect adjacent areas of freeway corridor from pollutants of noise, exhaust, and light. (Coastal Act/30240/30251)

Resource Management Element

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

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

GOAL 4: The City, with the assistance of the State, federal, and regional agencies, shall provide the maximum visual access to coastal and inland views through the acquisition and development of a system of coastal and inland vista points. (Coastal Act/30251)

Policy 4.5: The City will designate “Scenic/Visual Corridor Overlay” areas within which the character of development would be regulated to protect the integrity of the Vista Points according to the following criteria (Coastal Act/30251/30253):

- Critical viewshed areas should meet the following requirements:
 - Extend radically for 2,000 feet from the Vista Point
 - Cover areas upon which development could potentially obstruct, limit, or degrade the view
- Development within the critical viewshed area should be subject to design review based on the following:
 - Building height, bulk, roof line, and color and scale should not obstruct, limit, or degrade the existing views;
 - Landscaping should be located to screen adjacent undesirable views (parking lot areas, mechanical equipment, etc.).

Policy 4.6: The City will maintain and enhance the scenic highway/visual corridor viewsheds. (Coastal Act/30251)

Policy 4.7: The City will designate the following view corridors as scenic highway/visual corridor viewsheds (Coastal Act/3025130253):

- La Costa Avenue from just west of I-5 to El Camino Real

Policy 4.8: The City will designate Scenic/Visual Corridor Overlay and scenic highway viewshed areas as illustrated on the Visual Resource Sensitivity Map (Figure 3) (Coastal Act/30251)

Policy 4.9: The City will designate historic viewsheds in order to preserve historical views which represent a significant cultural or historic resource to the community. The following historic viewsheds will be developed and maintained as feasible:

- Station White

Policy 4.10: It is intended that development would be subject to the design review provisions of the Scenic/Visual Corridor Overlay Zone for those locations within scenic view corridors, along scenic highways, and adjacent to significant viewsheds, historic viewsheds, and vista points with the addition of the following design criteria:

- Road Design
 - Type and physical characteristics of roadway should be compatible with natural character of corridor, and with the scenic highway function.
- Development Design
 - Building and vegetation setbacks, scenic easements, and height and bulk restrictions should be used to maintain existing views and vistas from the roadway.
 - Development that is allowed within a viewshed area must respond in scale, roof line, materials, color, massing, and location on site to the topography, existing vegetation, and colors of the native environment.

2013-2021 City of Encinitas General Plan Housing Element Update

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

3.1 Aesthetics

decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The HEU includes a series of discretionary actions to update and implement the City's Housing Element. Relevant policies and goals related to aesthetics are provided below:

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

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

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

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

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

Local Coastal Program (LCP)

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

Approximately two-thirds of Encinitas is located in the Coastal Zone and falls under CCC jurisdiction. As stated above, in accordance with the Coastal Act, the City has adopted and implements an LCP, which is incorporated into its General Plan as well as into provisions of the Municipal Code and various specific plans. Those policies of the General Plan relevant to the LCP are identified with shaded text throughout the document.

The goals and policies of the LCP are intended to protect, maintain, and enhance the Coastal Zone environment; ensure balanced utilization and conservation; maximize public access to and along the coast; prioritize coastal-dependent and related development; and encourage coordinated state and local initiatives to implement beneficial programs and other educational uses. Any project in the Coastal Zone is subject to review by the City and/or the CCC.

The project site lies within the Coastal Overlay Zone and, as a result, requires a Coastal Development Permit (non-appealable) to ensure conformance with 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 to certain design restrictions for developing in the Coastal Zone (i.e., building height limits, retaining view corridors, maintaining coastal access, and protection of coastal resources).

City of Encinitas Municipal Code

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

Scenic/Visual Corridor Overlay Zone

The Resource Management Element of the City's General Plan identifies visual resources within the City's boundaries that are considered to contribute to the scenic quality of the local Encinitas community, as well as the larger region. Such visual resources include a variety of scenic vista points, critical viewsheds, scenic roadways, and scenic view corridors (City of Encinitas 1991).

The project site is located adjacent to the I-5 corridor which, from certain vantage points, offers views to the north along the coastline and west to the Pacific Ocean. Additionally, views to the Batiquitos Lagoon may also occur from various vantage points within the City limits in the vicinity of the project site.

Interstate 5 in the vicinity of the project site is identified as a Scenic View Corridor. Additionally, La Costa Avenue between Highway 101 and El Camino Real is designated as a scenic road (City of Encinitas 1991). Two proposed vista points are located to the north of the site: one at the northwest corner of La Costa Avenue and the southbound off-ramp, and one at the northeast corner of La Costa Avenue and the I-5 northbound on-ramp; refer to Figure 3.1-1A, Scenic Resources. The City's Resource Management Element requires the City to designate Scenic/Visual Corridor Overlay Zones within which the character of proposed development is regulated to protect the integrity of the City's designated vista points. Critical viewsheds are defined in the Resource Management Element as those areas that extend radially for approximately 2,000 feet from the vista point and cover areas upon which development could potentially obstruct, limit, or degrade the view. Development within these critical viewshed areas

3.1 Aesthetics

is subject to design review to ensure building height, bulk, roofline, color, and scale do not limit or degrade existing views and that landscaping is used to screen undesirable views.

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.

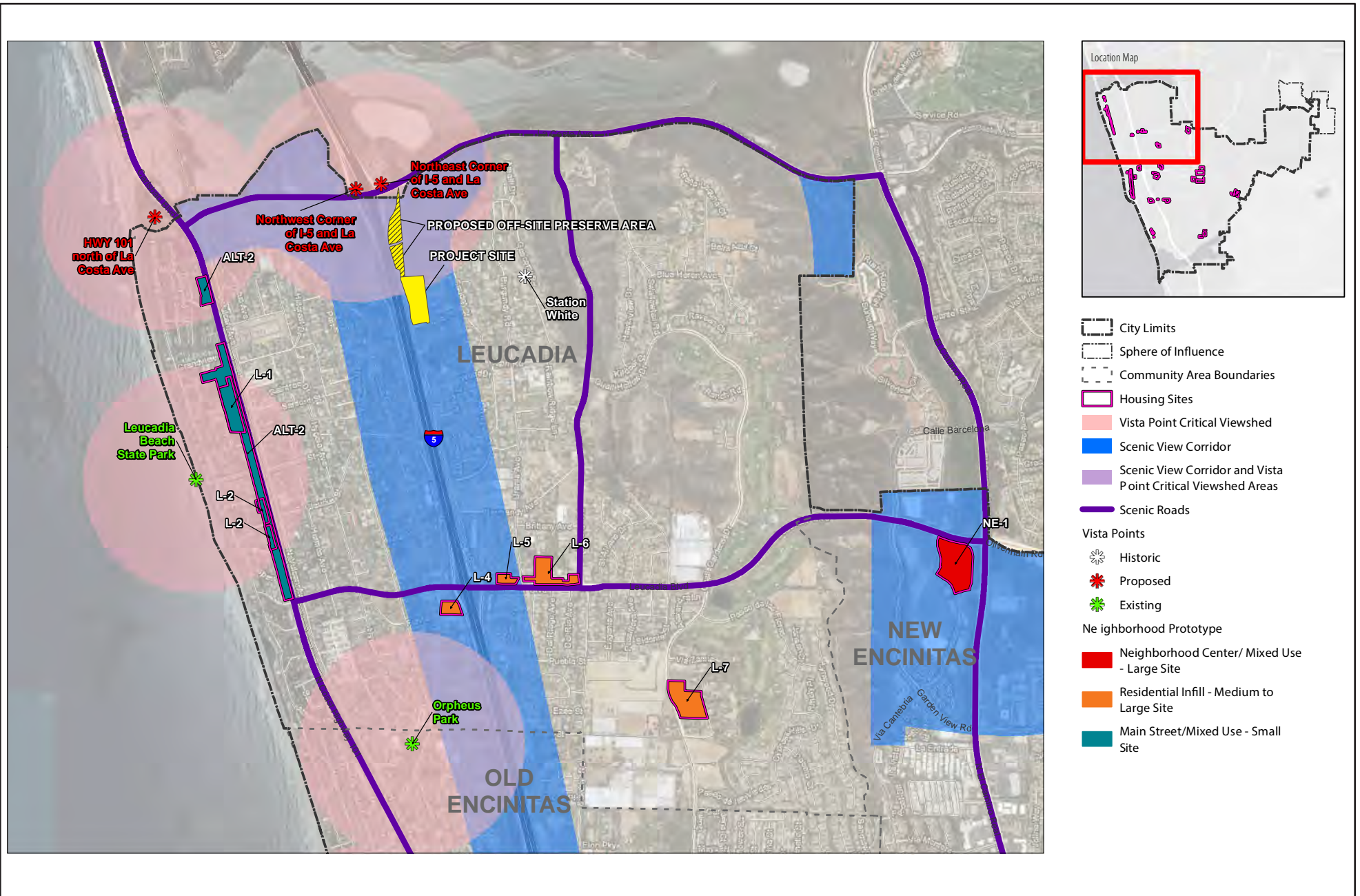
The following provides a brief list of objective design measures from the City's Design Guidelines that specifically pertain to maintaining existing views:

- 2.5.1 Generally, ground level view corridors should be provided from public streets. This requires space between buildings and/or development of landscaped areas that connect to open space.
- 2.5.2 Landscaped areas should be developed and plant materials selected so as to create and/or preserve view corridors.
- 2.5.3 Site planning for individual parcels shall consider internal view (for example, courtyards) as well as views looking outward.
 - A. Outward views should be framed with tree and shrub massing. Plantings should also soften views of the buildings from surrounding areas.
 - B. Where public streets are located at or below grade of development, the adjacent parkways and slopes should be landscaped with diverse plant materials to enhance motorists' views.
 - C. Parking areas adjacent to view corridors or streets shall be screened.
- 2.5.4 Projects should be designed to preserve some of the significant views through the site. Projects should be designed to preserve significant public views. A significant public view is a view of a significant feature (ocean, lagoon or backcountry) as viewed from public parks and General Plan designated vista points and scenic view corridors. Trees and vegetation that are themselves part of the view quality should be retained.
- 2.5.5 Projects should be designed to preserve some of the significant views through the site enjoyed by residents of nearby properties.

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

- B. A significant view refers to a medium- to long range view from the primary living area of significant features including the coast, ocean, lagoons, backcountry canyons, valleys, ridges and other distinctive geographic features. The primary living area is the area most often occupied by the occupants of the residence relative to other portions of the residence and is where the view is observed. The determination of the primary living area is to be made on a case-by-case basis, but typically would be a living room, family room, kitchen, or dining area, or outdoor patio or deck immediately next to the primary living area.

This page left blank intentionally.



This page intentionally left blank.



This page intentionally left blank.



Key View 1 - View from Southwest Corner of Piraeus Street and Plato Place (Existing View)

Figure 3.1-2A

This page intentionally left blank.



Key View 1 - View from Southwest Corner of Piraeus Street and Plato Place (Proposed View)

Figure 3.1-2B

This page intentionally left blank.



This page intentionally left blank.



This page intentionally left blank.



This page intentionally left blank.



This page intentionally left blank.



This page intentionally left blank.



This page intentionally left blank.



This page intentionally left blank.



This page intentionally left blank.



This page intentionally left blank.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

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

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

PROJECT IMPACTS AND MITIGATION

SCENIC VISTA

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

As stated, the City's General Plan Resource Management Element identifies a number of scenic resources within the City's boundaries that are considered to contribute to the scenic quality of the local Encinitas community, as well as the larger region. Various resources identified include scenic vista points, critical viewsheds, scenic roadways, and scenic view corridors; refer to Figure 3.1-1A, Scenic Resources.

Interstate 5 in the vicinity of the project site is identified as a Scenic View Corridor. Additionally, La Costa Avenue between Highway 101 and El Camino Real is designated as a scenic road (City of Encinitas 1991). The project site lies within the Scenic View Corridor for I-5. Development within these critical viewshed areas is subject to the overlay restrictions and to the City's design review process to ensure that the architectural style and character of proposed structures and other improvements do not conflict with the surrounding character, obstruct scenic views, or reduce the value of any scenic resource.

Additionally, two proposed vista points are located to the north of the site: one at the northwest corner of La Costa Avenue and the southbound off-ramp, and one at the northeast corner of La

3.1 Aesthetics

Costa Avenue and the I-5 northbound on-ramp. The City's Resource Management Element requires the City to designate Scenic/Visual Corridor Overlay Zones within which the character of proposed development is regulated to protect the integrity of the City's designated vista points. Critical viewsheds are defined in the Resource Management Element as those areas that extend radially for approximately 2,000 feet from the vista point and cover areas upon which development could potentially obstruct, limit, or degrade the view. The project site lies within the critical viewshed area for each of the two vistas points to the north along La Costa Avenue. Refer to Figure 3.1-1A, Scenic Resources.

As part of the City's design review process, project design characteristics such as building height, scale, building coverage, roofline, materials, color, and/or bulk would be evaluated as appropriate to ensure that the proposed development does not limit or degrade existing views and that landscaping is used to screen undesirable views. The project has been designed in conformance with applicable Scenic/Visual Corridor Overlay restrictions and would not have a substantial adverse effect on a designated scenic vista. Potential project effects on key public viewpoints within the surrounding viewshed are evaluated below; refer to Figure 3.1-1A, Scenic Resources.

Visual simulations from four key public vantage points within the project vicinity were rendered to provide a comparison of "before" and "after" conditions on the project site. The visual simulations for the viewpoints are provided in Figures 3.1-2A to 3.1-5B. Additionally, refer to Figure 2.0-3, Conceptual Site Plan, and Figures 2.0-4A through 2.0-4E which illustrate the intended architectural design for the project. The resulting "before" and "after" images aid in illustrating that the proposed project would meet applicable design regulations (i.e., height, scale, lot size, etc.) and would have a substantial adverse effect on a scenic vista or existing visual quality of such resources within the surrounding community. However, overall viewer response to the visual changes on the site would depend on the vantage location, distance to the site, and the degree to which the development is visible. Additional views of the proposed development are shown in Figures 3.1-6 and 3.1-8.

Key View 1: View from the Southwest Corner of Piraeus Street and Plato Place Looking North/Northeast.

Key View 1 is from the corner of Piraeus Street and Plato Place, looking north/northeast to the project site; refer to Figures 3.1-2A and 3.1-2B. Views from this location would mainly be experienced by passengers in vehicles, bicyclists, and pedestrians traveling north on Piraeus Street and by passengers in vehicles traveling west on Plato Place.

Currently from this view, as seen in Figure 3.1-2A, the vegetation communities of the project site comprise the focal points and background. The view experienced would be influenced by travel

speed and would largely consist of the existing roadway conditions and development along both roadways. Although some viewers may appreciate the current undeveloped state of the site, the existing visual quality and character of the project site experienced from this viewpoint is considered low-moderate due to the lack of scenic resources, such as rock outcroppings, historic buildings, and mature trees; refer also to Impact 3.1-2 below.

As seen in Figure 3.1-2B, views of the proposed development from Key View 1 would generally consist of multi-family residential units in the background and landscaping/streetscaping in the foreground, including the proposed sidewalks along Plato Place and Piraeus Street. Traveling further north along Piraeus Street, the main view would be the northern off-site preserve area, which would remain in its current undeveloped state.

While the scale, density, and height of the proposed project would alter the existing view, the change in the view does not rise to a level of significance because the project would be similar to existing uses in the surrounding viewshed. Furthermore, the scale, density, and height of the project is consistent with the City's General Plan and HEU, as well as applicable zoning regulations, as applicable. As shown, landscaping planted with the project would continue to mature over time, thus further screening the development from public view and limiting views into the site. Although such landscaping would reduce the visibility of the project within the visual setting, such enhancements would continue to further improve the aesthetics of the site over time while reinforcing the overall community character.

Therefore, the project would not have a substantial adverse effect on a scenic vista or other scenic resource from this vantage point. Impacts would be less than significant.

Key View 2: View from Plato Place Near the Southeastern Portion of the Site Looking West/Northwest

Key View 2 is the view from Plato Place near the southeastern portion of the project site, looking west/northwest; refer to Figures 3.1-3A and 3.1-3B. Views from this location would primarily be experienced by passengers in vehicles traveling along Plato Place. An existing off-site residential driveway and existing off-site ornamental landscaping are the focal points, and the vegetation communities of the project site comprise the background; refer to Figure 3.1-3A. The view experienced would be influenced by travel speed on Plato Place and intermediate landscaping. Although some viewers may appreciate the undeveloped state of the site from this vantage point, the existing visual quality and character of the subject property is considered low to moderate due to the lack of scenic resources or other on-site elements having scenic value.

As seen in Figure 3.1-3B, public views of the proposed development to the west/northwest from Key View 2 would generally consist of residential units in the background and landscaping/streetscaping in the foreground. This view would also include the proposed entry

3.1 Aesthetics

drive along Plato Place. Traveling west along Plato Place, the foreground would include enhanced views of the proposed sidewalk and ornamental landscaping along the roadway. While the scale, density, and height of the project would alter the existing view from this vantage point, the change in the view does not reach a level of significance as the project would be visually similar to existing uses in the surrounding viewshed.

Furthermore, the scale, density, and height of the project is consistent with that intended by the City's General Plan and HEU, as well as with zoning regulations pertaining to scale, height, lot coverage, etc. Therefore, the project would not have a substantial adverse effect on a scenic vista or other scenic resource from this vantage point. Impacts would be less than significant.

Key View 3: View from 1690 Gascony Road (Station White) Looking West

Key View 3 is from the corner of 1690 Gascony Road (Station White) looking west to the project site; refer to Figures 3.1-4A and 3.1-4B. Views from this location would mainly be experienced by passengers in vehicles and pedestrians traveling east and west on Gascony Road and by nearby residences.

Under existing conditions, as shown in Figure 3.1-4A, a single-family residence and ornamental landscaping comprise the foreground, with the middleground and background generally consisting of existing residential uses, established landscaping, and, ultimately, the Pacific Ocean. The project site is not readily visible within the existing visual setting from this vantage point.

As seen in Figure 3.1-4B, views of the proposed development from this vantage point would consist of the very upper portions of several proposed multi-family residential units. Changes to existing public views experienced from Key View 3 would therefore be minimal in nature and are not anticipated to be noticeable by passengers in vehicles traveling along Gascony Road or occupying the public seating area provided at this location. Furthermore, the scale, density, and height of the project is consistent with the City's General Plan and HEU. Therefore, the project would not have a substantial adverse effect on the designated historic viewshed from this vantage point; no discernable change in public views experienced is anticipated. Impacts would be less than significant.

Key View 4: View from Southbound Interstate 5 Looking East

Key View 4 is the view looking east to the site from southbound I-5; refer to Figures 3.1-5A and 3.1-5B. Views from this location would be experienced by passengers in vehicles traveling along the freeway.

As seen in Figure 3.1-5A, the existing view is dominated by the lanes of southbound and northbound I-5 in the foreground and middleground, and a series of manufactured slopes

adjacent to Piraeus Street spanning the length of the site in the background. Mature vegetation is present along the existing slopes. Views of the site from this vantage point occur across the multiple lanes of I-5, which typically supports high volumes of traffic during daytime hours, thus degrading the overall quality of the view. Views experienced would be further influenced by travel speed. Although some viewers may appreciate the current undeveloped state of the site, the existing visual quality and character experienced from this vantage point is considered to be low-moderate due to the absence of scenic resources.

As seen in Figure 3.1-5B, similar to that under existing conditions, views of the proposed development from Key View 4 would remain dominated by traffic along I-5 and by the slopes extending along Piraeus Street. The proposed multi-family residential units, manufactured slopes, retaining walls, and existing and proposed landscaping would be visible in the background.

While the scale, density, and height of the proposed structures, combined with the proposed manufactured slopes and retaining walls, would alter the existing view from this vantage point, the change experienced does not rise to a level of significance because views would not substantially differ from views of other existing land uses in the surrounding viewshed as one travels along I-5. Furthermore, the project has been designed consistent with the scale, density, and height of future development as identified in the City's General Plan and HEU, as well as applicable zoning regulations that are intended to maintain community character and protect designated scenic views. Proposed landscaping would continue to mature over time, thus further screening the development from public view and visually blending the structures, slopes, and retaining walls into the surrounding setting. Further, the site lacks any scenic resources (e.g., rock outcroppings, ridgelines, etc.), and therefore, existing views would not be altered in this regard due to project disturbance or removal.

For the reasons stated above, the project is not anticipated to result in a substantial adverse effect on a scenic vista or other scenic resource from this vantage point. Impacts would be less than significant.

Summary

Based on the above discussions, adverse effects on existing public views from designated scenic vista points or scenic viewsheds would not occur as the result of project implementation. Impacts in this regard would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

3.1 Aesthetics

SCENIC RESOURCES

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

Interstate 5 runs north-south approximately 150 feet west of the project site. Within San Diego County, I-5 is not a listed state scenic highway under Caltrans' Scenic Highway Program. Therefore, the project site is not located within a state scenic highway (Caltrans n.d.). However, I-5 in the vicinity of the project site is designated as an eligible state scenic highway. The segment identified as eligible for consideration as a state scenic highway extends from State Route 74 near the City of San Juan Capistrano to the north to its intersection with State Route 75, across the San Diego Bay from the City of Coronado to the south (Caltrans n.d.).

As stated previously, the General Plan Resources Management Element identifies I-5 as a scenic view corridor. La Costa Avenue from just west of Highway 101 east to El Camino Real is identified as a scenic roadway. The project site also lies within the designated Station White historic viewshed. Potential project effects on these designated scenic resources are evaluated under Impact 3.2-1, above.

No rock outcroppings are present on the project site. As the property is vacant and undeveloped, no historic structures are located on-site. Additionally, no large trees are present within the boundaries of the project site (ECORP 2022). No public or mature trees would therefore be removed as part of the project.

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

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH ZONING OR OTHER REGULATIONS

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

According to Appendix G of the CEQA Guidelines, potential aesthetic impacts are evaluated differently based on whether the project is located in a non-urbanized or urban area. Per this threshold, projects located in non-urbanized areas would result in a significant aesthetic impact

if the project substantially degraded the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage points). Projects located in urbanized areas would result in a significant aesthetic impact if the project would conflict with applicable zoning and other regulations governing scenic quality. Because the project site is located within an urbanized area of the City, the latter criteria is applied for analyzing potential effects of the proposed project on aesthetic resources. Below is a discussion of the project's consistency with key zoning and other regulations governing scenic quality of the project site.

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

The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan also serves as a Local Coastal Plan (LCP) guiding development within the City. The project site lies within the Coastal Overlay Zone and requires a Coastal Development Permit (non-appealable) to ensure conformance the California Coastal Act. Projects within the Coastal Zone Overlay are subject certain design restrictions for developing in the Coastal Zone (i.e., building height limits, retaining view corridors, maintaining coastal access, protection of coastal resources, etc.).

The project has been designed in conformance with the requirements of the Coastal Overlay Zone to ensure the protection of coastal and scenic resources within the community. As described herein, the project is not anticipated to restrict or affect any designated vista points within the City.

Maximum building height proposed is 35 feet, consistent with requirements of the R-30 overlay zone. Per Municipal Code Section 30.16.101B.a.iii, a maximum of 5 feet is allowed beyond the 35-foot height limit for "allowed projections" such as mechanical equipment and other screening. As such, the proposed on-site structures (including projections) would not exceed 40 feet in height.

As shown in the visual simulations prepared and discussed further above under Threshold 3.1-1, the project would not adversely affect scenic views along the La Costa Avenue or I-5 scenic corridors. Additionally, the project would not interfere with existing facilities along La Costa

3.1 Aesthetics

Avenue (sidewalk and bike lane) that would provide continued coastal access (Pacific Ocean) to the west of the subject site.

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

The City is responsible for the issuance of Coastal Development Permits within the Coastal Zone, excluding submerged lands, tidelands, or public trust lands. Relative to the City's LCP, subsequent to the City's approval of the HEU, the City processed an amendment to update the City's LCP to include the HEU sites. On September 11, 2019, the HEU was approved by the California Coastal Commission. The following excerpts are specific to the project site, where the Coastal Commission found that (CCC 2019):

Cannon Property (Piraeus) (Site 2) - This site is a vacant property located at the corner of Piraeus Street and Plato Place, both of which are two-lane local streets. The southern portion of the site is flat due to previous grading, with the majority of the rest of the site sloping up towards a flat pad on the northeast corner. Some mature trees and vegetation are on the northern portion of the site. The land use classification of the site is Rural Residential 2 (RR2)...

...Three of the sites were identified as having sensitive vegetative communities, including the Cannon property (Site 2), the Encinitas Blvd and Quail Gardens Sites (Site 5), and Sage Canyon (Site AD1). Additionally, Sage Canyon was identified as having wetlands on-site. All future development on sites with coastal sage scrub or wetlands will be subject to the certified LCP policies as well as mitigation measures within the EA, which includes avoidance and minimization measures for impacts to vegetation communities from grading and development, as well as suitable mitigation in accordance with the North County Multiple Habitat Conservation Program...

...While a number of the inventoried sites to be re-designated have lower density land use designations (in some cases, significantly lower, as is the case with the Cannon Property, Echter Property, and Greek Church Parcel), the R-30 Overlay is intended to respect neighborhood character, be compatible with community specific settings and provide

reasonable transitions between existing residences and potential development sites. All of the sites are located within, contiguous with, or in close proximity to, existing developed areas...

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

The project would be subject to the certified LCP policies as well as mitigation measures for sensitive vegetation communities, which include avoidance and minimization measures for impacts to vegetation communities from grading and development, as well as suitable mitigation in accordance with the North County Multiple Habitat Conservation Program; refer Section 3.3, Biological Resources. The development would also be consistent with the existing character of the area and community, and would not impede coastal views as it would be located on the inland side of identified viewpoints within the vicinity; refer to Section 3.1, Aesthetics.

For these reasons, land use conflicts within the R-30 Overlay zone, in which the project site is located, would be minimized in accordance with Section 30242 of the Coastal Act, and as such, the CCC found the City's HEU to be consistent with the relevant policies of the CCC. Because the project is consistent with the 2019 HEU, the project would not conflict with any land use plan, policy, or regulation adopted by the CCC.

Additionally, the northern off-site preserve area (APN 216-110-35) of the project site is not identified in the HEU and was therefore not included in the evaluation herein of HEU consistency with the Coastal Act. However, proposed off-site preserve area is similarly subject to the Coastal Overlay Zone. As the off-site preserve area would remain in its natural state, no development would occur that would substantially degrade the scenic quality of any coastal resources or the character of designated scenic views in the area. No conflict with the Coastal Act would result in this regard.

The project would adhere to State Density Bonus Law by providing 15 "very low income" affordable residential units (affordable to households earning no more than 50 percent of the area median income). Density Bonus Law allows projects to utilize up to three concessions and unlimited waivers. Depending on the request, such allowances may increase allowed maximum building heights or residential density, or other such design aspects, thereby causing a project to have a more substantial effect on the visual setting and/or designated scenic views in the vicinity.

3.1 Aesthetics

One incentive is proposed. The incentive requested is for exception to the City's undergrounding utilities requirement for existing overhead utilities, pursuant to Encinitas Municipal Code Section 23.36.120. All existing San Diego Gas & Electric utility poles that surround the project site are 12 kilovolt and would typically be required to be undergrounded (refer to Section 2.0, Project Description, for additional discussion). However, given that the overhead utility poles are present in the visual landscape under existing conditions, the project would not result in development that would adversely affect scenic views along the I-5 corridor, La Costa Avenue, or otherwise adversely affect existing scenic views or resources within the surrounding area in this regard. Additionally, one waiver is requested as the project exceeds the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project requires an approximately 40% encroachment into steep slope areas, and without this waiver, the project footprint would be substantially reduced, impacting the project's ability to provide for deed-restricted affordable housing on-site. However, no conflict with State Density Bonus Law allowances would occur as a result of City approval of the incentive or waiver requested by the applicant.

Summary

As described above, and as illustrated in the figures provided, development of the project site as proposed would not adversely alter existing views to the site from off-site public vantage points. Although the project would result in a visual change in existing public views of the project site, such development is consistent with the underlying zoning and applicable design guidelines.

Furthermore, the approximately 4.95-acre parcel immediately north of the project site (off-site preserve area) would be preserved in its current undeveloped state. No change to existing views due to development of the proposed off-site preserve area would occur, and no conflict with applicable zoning or other regulations pertaining to scenic quality would result.

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

Mitigation Measures: None required.

Level of Significance: Less than significant.

CREATE NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE

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

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

Glare is caused by the reflection of sunlight or artificial light on highly polished surfaces such as window glass or reflective materials and, to a lesser degree, from broad expanses of light-colored surfaces. Daytime glare is common in urban areas and is typically associated with exterior facades largely or entirely comprising highly reflective glass. Glare can also occur during evening and nighttime hours with the reflection of artificial light sources such as automobile headlights. Glare-sensitive uses include residences, hotels, transportation corridors, and aircraft landing corridors.

The project would install on-site lighting to provide an adequate level of nighttime lighting for safe motorized and non-motorized circulation and to increase public safety for nighttime pedestrian and bicyclist use. Lighting would also be installed at the access driveways off of Plato Place and Piraeus Street to identify the project entrance and to provide safe ingress and egress. In addition to safety lighting for on-site drives and parking areas, exterior building lights are proposed, both as architectural details on the residential units and at the pool and spa deck area in the southwestern portion of the site.

As demonstrated by the Lighting Plan prepared for the project (Visual Concepts Lighting, Inc. 2022; see Appendix B), all proposed lighting would conform with City design standards which require low-level lighting that would not exceed 0.5 foot-candle levels at the property line; light poles at a maximum height of 18 feet in height; and low-level lighting directed downward via 90-degree cutoffs to reduce light overspill onto adjacent properties (including the proposed off-site preserve area adjacent to the north and existing residential uses to the east). The Conceptual Lighting Plan was prepared as part of the project improvement plans to demonstrate that on-site lighting levels with project implementation would meet City requirements for nighttime lighting

3.1 Aesthetics

levels at the property line. Consistency with City requirements would ensure the minimization of potential impacts associated with the provision of night-lighting that might otherwise adversely affect nighttime views in the area. Refer also to Section 3.3, Biological Resources, which addresses potential indirect effects on adjacent habitats from project lighting.

Additionally, the project does not include construction or installation of structures using highly reflective materials or surfaces that could otherwise create a new source of substantial glare adversely affecting daytime views in the area. Refer to Figures 2.0-4A to 2.0-4E which illustrate the proposed building elevations, including the type of construction materials and colors anticipated. The project also does not include large expanses of glass or high gloss surface colors that would have the potential to cause substantial reflection and/or glare effects. Any metal surfaces integrated into the proposed building facades would be surfaced with non-reflective paint or otherwise treated (i.e., galvanized) to minimize or reduce the potential for glare to occur. Additionally, the project would be subject to the City's design review process to ensure consistency with applicable objective design guidelines.

In accordance with Title 24 of the California Building Code, solar photovoltaic (PV) panels would be installed on the roofs of the residential townhomes. Rooftop PV panels would generally be visible in views looking toward to the project site. The solar panels would be capable of providing approximately 149 kilowatts of solar power for the on-site uses. 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 or on- and off-site receptors. The installation of PV panels is required to achieve building code standards and to generate adequate energy for continued operational needs, while the duration of 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 as proposed 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**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

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

Geographic Scope

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

The geographic scope for cumulative impacts related to aesthetic resources includes existing development and reasonably foreseeable future development projects. Such projects may be viewed in conjunction with the proposed project from public roadways or public lands in the surrounding viewshed and may therefore have the potential to contribute to an overall change in the existing visual setting. Cumulative projects considered are identified in Table 3.0-1 and shown in Figure 3.0-1 in Section 3.0 of this EIR. Additionally, to be conservative, the cumulative analysis is based on the “worst-case” assumption that all 2019 HEU sites develop under maximum density bonus unit allowances. The cumulative impact analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects; refer to Table 3.0-2.

Potential Cumulative Impacts

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

As mentioned under Impact 3.1-3, the Resources Management Element of the City’s General Plan identifies two scenic vista points to the northwest of the project site (northeast and northwest corners of I-5 and La Costa Avenue). The project site is visible from both of these designated vista points. Additionally, according to the Visual Resource Sensitivity Map included in the Resource Management Element, the project site is located entirely within two scenic view corridors (La Costa Avenue from just west of I-5 to El Camino Real and I-5 from La Costa Avenue south within the City). As designed, the project was determined to have a less than significant impact on such resources, due to project design, setting, and public views experienced relative to such scenic resources a such views would not be substantially changed or adversely degraded. Future

3.1 Aesthetics

development projects within the study area would similarly be required to consider and evaluate proximity to and potential effects on such resources on a site-specific basis, and to identify proper mitigation measures to reduce any such significant effects.

No scenic resources, such as mature trees, rock outcroppings, or historic buildings, would be affected by the proposed development, as such resources are not located on the project site; refer to Impact 3.1-2 above. Cumulative projects within the study area would similarly be required to evaluate potential effects on such resources on a site-specific basis, and with consideration for the intended improvement characteristics, to identify whether a cumulative impact would occur.

The visual setting in the project vicinity is generally characterized by residential development, undeveloped land, and open space/recreational uses (such as Batiquitos Lagoon). As the project proposes a similar use to that existing in surrounding residential developments within the surrounding area, the project would not result in a substantial change to the affected viewshed. Rather, it is anticipated that the development as proposed would visually blend in with the surrounding residential neighborhoods when viewed in conjunction with existing development. The degree to which the proposed building elements would be visible within the viewshed would further be reduced by proposed ornamental landscaping on-site, as well as site design wherein views to some on-site buildings would be blocked by others due to line of sight. Furthermore, the northern off-site preserve area would remain in perpetuity and left in its current state; thus, no development would occur that would contribute to a substantial cumulative visual change to existing views in this regard.

Other existing, approved, proposed, or reasonably foreseeable projects that could combine with the proposed project to contribute to an increase in daytime glare or nighttime lighting would include residences and commercial uses in proximity to the project site and in the surrounding area. Further, similar to the proposed project, other cumulative projects considered would be subject to applicable City lighting and glare requirements, including design measures identified in the Encinitas Municipal Code, to ensure that such development does not adversely affect daytime or nighttime views in the area.

All cumulative projects in the vicinity of the project site, and development of other future land uses in the surrounding viewshed, would be conditioned via the City's discretionary review process on a site-specific basis to avoid, reduce, and mitigate significant visual impacts relative to the proposed improvements. All future development would be evaluated on a project-specific basis to ensure that no conflict with applicable regulations pertaining to scenic resources would occur, or that any such effects are reduced to the extent feasible as appropriate.

In combination with other cumulative projects and with development of other future land uses in the surrounding area, the proposed project would not result in a significant impact to scenic vistas, damage to scenic resources on the project site, conflict with applicable zoning and other regulations governing scenic quality, or creation of a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Therefore, the project would not contribute to a significant cumulative impact related to aesthetics or glare. Impacts would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

This page left blank intentionally.

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

This section is based on technical data presented in the *Air Quality Assessment* prepared by Ldn Consulting, Inc. (2022a; see Appendix C-1) and the *Health Risk Screening Letter* (2022b; see Appendix C-2). Additionally, supporting information was utilized from the *Transportation Impact Study*, prepared by Intersecting Metrics (2022; see Appendix K). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018). Third-party technical reports were peer reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

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

Topography

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

Meteorology and Climate

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

The dominant meteorological feature affecting the region is the Pacific high-pressure zone, which produces the prevailing westerly to northwesterly winds. These winds tend to blow pollutants

3.2 Air Quality

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

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

Sensitive Receptors

Sensitive receptors are more susceptible to the effects of air pollution than the general population. Sensitive populations (sensitive receptors) in proximity to localized sources of toxics and carbon monoxide are of concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. The nearest sensitive receptors are adjacent residences to the west of the project site and Capri Elementary School, at 941 Capri Road, approximately 0.4 miles southeast of the project site.

Air Pollutants of Concern

Air pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and state laws. These regulated air pollutants are known as criteria air pollutants and are categorized into primary and secondary pollutants. Primary air pollutants are those that are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxide (NO_x), sulfur dioxide (SO₂), coarse particulate matter (PM₁₀), fine particulate matter (PM_{2.5}), lead, and fugitive dust are primary air pollutants. Of these, CO, SO₂, PM₁₀, and PM_{2.5} are criteria pollutants. ROG and NO_x are criteria pollutant precursors and go on to form secondary criteria pollutants through chemical and photochemical reactions in the atmosphere (for example, ozone [O₃] is formed by a chemical reaction between ROG and NO_x in the presence of sunlight). Ozone and nitrogen dioxide (NO₂) are the principal secondary pollutants.

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

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

Pollutant	California Standard	Federal Primary Standard	Year	Maximum Concentration ³	Days (Samples) State/Federal Std. Exceeded
Ozone (O ₃) ¹ (1-hour)	0.09 ppm for 1 hour	NA ⁶	2018	0.102 ppm	1/0
			2019	0.083	0/0
			2020	0.123	2/0
Ozone (O ₃) ¹ (8-hour)	0.070 ppm for 8 hours	0.070 ppm for 8 hours	2018	0.077 ppm	5/5
			2019	0.075	1/1
			2020	0.012	12/10
Carbon Monoxide (CO) ² (1-hour)	20 ppm for 1 hour	35 ppm for 1 hour	2018	1.900 ppm	0/0
			2019	4.100	0/0
			2020	3.300	0/0
Nitrogen Dioxide (NO ₂) ²	0.18 ppm for 1 hour	0.100 ppm for 1 hour	2018	0.055 ppm	0/0
			2019	0.054	0/0
			2020	0.054	0/0
Fine Particulate Matter (PM _{2.5}) ^{2,5}	No Separate Standard	35 µg/m ³ for 24 hours	2018	*	*
			2019	18.9 µg/m ³	*/0
			2020	40.2	*/1
Particulate Matter (PM ₁₀) ^{1,4,5}	50 µg/m ³ for 24 hours	150 µg/m ³ for 24 hours	2018	38.0 µg/m ³	0/0
			2019	*	*
			2020	*	*

ppm = parts per million; PM₁₀ = particulate matter 10 microns in diameter or less; µg/m³ = micrograms per cubic meter; PM_{2.5} = particulate matter 2.5 microns in diameter or less; NA = not applicable; * = insufficient data available to determine the value

Notes:

1. Data collected from the San Diego-Kearny Villa Road Monitoring Station located at 6125A Kearny Villa Road, San Diego CA, 92145.
2. Data collected from the San Diego-Rancho Carmel Drive Monitoring Station located at 11403 Rancho Carmel Drive, San Diego CA 92128.
3. Maximum concentration is measured over the same period as the California Standards.
4. PM₁₀ exceedances are based on state thresholds established prior to amendments adopted on June 20, 2002.
5. PM₁₀ and PM_{2.5} exceedances are derived from the number of samples exceeded, not days.
6. The federal standard was revoked in June 2005.

REGULATORY FRAMEWORK

Federal and State

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

3.2 Air Quality

the regional and county levels. CARB, which became part of the California Environmental Protection Agency in 1991, is responsible for ensuring implementation of the California Clean Air Act of 1988, responding to the federal Clean Air Act, and regulating emissions from motor vehicles and consumer products.

CARB has established California Ambient Air Quality Standards (CAAQS), which are generally more restrictive than the NAAQS. The CAAQS describe adverse conditions; that is, pollution levels must be below these standards before an air basin can attain the standard. Air quality is considered “in attainment” if pollutant levels are continuously below the CAAQS and violate the standards no more than once each year. The CAAQS for O₃, CO, SO₂ (1-hour and 24-hour), NO₂, PM₁₀ and PM_{2.5}, and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. The NAAQS and CAAQS are presented in Table 3.2-2, Ambient Air Quality Standards.

Table 3.2-2: Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards	National Standards	
		Concentration	Primary	Secondary
O ₃	1 hour	0.09 ppm (180 µg/m ³)	—	Same as Primary Standard
	8 hours	0.070 ppm (137 µg/m ³)	0.070 ppm (137 µg/m ³)	
NO ₂	1 hour	0.18 ppm (339 µg/m ³)	0.100 ppm (188 µg/m ³)	Same as Primary Standard
	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)	0.053 ppm (100 µg/m ³)	
CO	1 hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)	None
	8 hours	9.0 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)	
SO ₂	1 hour	0.25 ppm (655 µg/m ³)	0.075 ppm (196 µg/m ³)	—
	3 hours	—	—	0.5 ppm (1,300 µg/m ³)
	24 hours	0.04 ppm (105 µg/m ³)	0.14 ppm (for certain areas)	—
	Annual	—	0.030 ppm (for certain areas)	—
PM ₁₀	24 hours	50 µg/m ³	150 µg/m ³	Same as Primary Standard
	Annual Arithmetic Mean	20 µg/m ³	—	
PM _{2.5}	24 hours	—	35 µg/m ³	Same as Primary Standard
	Annual Arithmetic Mean	12 µg/m ³	12.0 µg/m ³	15.0 µg/m ³
Lead	30-day Average	1.5 µg/m ³	—	—
	Calendar Quarter	—	1.5 µg/m ³ (for certain areas)	Same as Primary Standard
	Rolling 3-Month Average	—	0.15 µg/m ³	
Hydrogen sulfide	1 hour	0.03 ppm (42 µg/m ³)	—	—

Table 3.2-2, continued

Pollutant	Averaging Time	California Standards	National Standards	
		Concentration	Primary	Secondary
Vinyl chloride	24 hours	0.01 ppm (26 µg/m ³)	—	—
Sulfates	24 hours	25 µg/m ³	—	—
Visibility-reducing particles	8 hours (10:00 a.m. to 6:00 p.m. PST)	Insufficient amount to produce an extinction coefficient of 0.23 per kilometer due to the number of particles when the relative humidity is less than 70%	—	—

Source: CARB 2016.

Notes: µg/m³ = micrograms per cubic meter; CO = carbon monoxide; mg/m³ = milligrams per cubic meter; NO₂ = nitrogen dioxide; O₃ = ozone; PM₁₀ = particulate matter with an aerodynamic diameter less than or equal to 10 microns; PM_{2.5} = particulate matter with an aerodynamic diameter less than or equal to 2.5 microns; ppm = parts per million by volume; SO₂ = sulfur dioxide

San Diego County Regional Air Quality Strategy

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

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

3.2 Air Quality

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

Criteria Pollutant	Federal Designation	State Designation
Ozone (8-Hour)	Nonattainment	Nonattainment
Ozone (1-Hour)	Attainment *	Nonattainment
Carbon Monoxide	Attainment	Attainment
PM ₁₀	Unclassifiable **	Nonattainment
PM _{2.5}	Attainment	Nonattainment
Nitrogen Dioxide	Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
Lead	Attainment	Attainment
Sulfates	No Federal Standard	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Visibility	No Federal Standard	Unclassified

Notes:

* The federal 1-hour standard of 12 pphm [parts per hundred million] was in effect from 1979 through June 15, 2005. The revoked standard is referenced here because it was employed for such a long period and because this benchmark is addressed in State Implementation Plans.

** At the time of designation, if the available data does not support a designation of attainment or nonattainment, the area is designated as unclassifiable.

Source: SDAPCD 2020.

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

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

SDAPCD Measures to Reduce Particulate Matter in San Diego County

In 2005, the SDAPCD adopted the *Measures to Reduce Particulate Matter in San Diego County*. This document identifies fugitive dust as the major source of directly emitted particulate matter

in the county, with mobile sources and residential wood combustion as minor contributors. Data on PM_{2.5} source apportionment indicates that the main contributor to PM_{2.5} in the county is combustion organic carbon, followed closely by ammonium sulfate and ammonium nitrate from combustion sources. The main contributors to PM₁₀ include resuspended soil and road dust from unpaved and paved roads, construction and demolition sites, and mineral extraction and processing. Based on the report's evaluation of control measures recommended by CARB to reduce particulate matter emissions, the SDAPCD adopted Rule 55, Fugitive Dust Control, in June 2009. The SDAPCD requires that construction activities implement the measures listed in Rule 55 to minimize fugitive dust emissions. Rule 55 requires the following:

1. No person shall engage in construction or demolition activity in a manner that discharges visible dust emissions into the atmosphere beyond the property line for a period or periods aggregating more than 3 minutes in any 60-minute period.
2. Visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out shall be minimized by the use of any of the equally effective track-out/carry-out and erosion control measures listed in Rule 55 that apply to the project or operation. These measures include track-out grates or gravel beds at each egress point; wheel-washing at each egress during muddy conditions; soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding; watering for dust control; and using secured tarps or cargo covering, watering, or treating of transported material for outbound transport trucks. Erosion control measures must be removed at the conclusion of each workday when active operations cease, or every 24 hours for continuous operations.

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

3.2 Air Quality

Table 3.2-4: Screening Thresholds for Criteria Pollutants

Emissions	Pollutant						VOCs
	ROG ¹	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}	
Construction Emissions							
Daily Maximum (lbs/day)	75	250	550	250	100	55	75
Annual (tons/year)	40	40	100	40	15	15	40
Operational Emissions							
Daily Maximum (lbs/day)	75	250	550	250	100	55	75
Annual (tons/year)	40	40	100	40	15	15	40

Notes: ROG = reactive organic gases; NO_x = nitrogen oxides; CO = carbon monoxide; SO_x = sulfur oxides; PM₁₀ = particulate matter up to 10 microns; PM_{2.5} = particulate matter up to 2.5 microns; lbs = pounds

1. SDAPCD Rule 20.2 does not establish threshold for ROG. Therefore, the threshold of significance for ROG from the South Coast Air Quality Management District is used. The ROG annual emissions threshold is calculated from 75 lbs/day multiplied by 365 days/year and divided by 2000 lbs/ton.

Source: Ldn Consulting 2022a (see Appendix C-1).

Other SDAPCD Rules and Regulations

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

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

The SDAPCD also implements New Source Review (NSR) in the air basin. Prior to installation of new, modified, relocated, or replacement equipment that results in an increase of air pollution emissions, the SDAPCD requires that an Authority to Construct be obtained and that the equipment be evaluated in accordance with applicable NSR rules. A Permit to Operate from the SDAPCD would be required to authorize operation or use of the equipment. If such equipment would exceed air pollutant thresholds, it must use Best Available Control Technology (BACT) to

reduce emissions. BACT definitions and requirements are outlined in SDAPCD Rule 20.1, NSR–General Provisions.

It is difficult to ensure that new or modified sources do not interfere with attainment or maintenance of the established air quality standards for ozone. Since ozone is a secondary pollutant (i.e., ozone is not directly emitted, but results from complex chemical reactions in the atmosphere from precursor pollutants), control of the precursors is required. This analysis assumes that Volatile Organic Compounds (VOC) and Reactive Organic Gases (ROG) are essentially the same due to the fact that emissions generated from the Project represent non-methane organic compounds. Control of emissions of ROGs and nitrogen oxides, the ozone precursors, is essential. The SDAPCD adopted Rule 67.0.1, Architectural Coatings, which establishes VOC content limits for architectural coatings, in 2015.

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

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

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

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

SDAPCD Rule 51 - Odor Impacts

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

3.2 Air Quality

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

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

San Diego County Department of Environmental Health

Section 101080 of the California Health and Safety Code authorizes a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, when the health officer determines that there is an imminent and proximate threat of the introduction of any contagious, infections, or communicable disease, chemical agent, non-communicable biological agent, toxin, or radioactive agent. On March 13, 2020, the San Diego County Health Officer issued an Order that was implemented to garner additional tools to assist with San Diego County's compliance with Executive Order N-33-20 issued by the Governor of the State of California and the California Department of Public Health's gathering guidance due to COVID-19. The San Diego County Health and Human Services Department and the Health Officer continue to amend the original order to provide guidance and recommendations for residents and business of San Diego County to safely conduct business, including construction activities, during this COVID-19 pandemic

Local**City of Encinitas General Plan**

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

Resource Management Element

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

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

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

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

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

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

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

PROJECT IMPACTS AND MITIGATION

CONFLICT WITH AIR QUALITY PLAN

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

The project site is located within the San Diego Air Basin and is regulated by the SDAPCD. As described above, the SIP and RAQS are the applicable air quality plans for the SDAPCD. Consistency with the SIP and RAQS means that a project is consistent with the goals, objectives, and assumptions set forth in the SIP and RAQS that are designed to achieve Federal and state air quality standards.

The basis for the RAQS and SIP is the growth rate in population in the region as projected by SANDAG. SANDAG's latest growth forecasts were defined in consultation with local governments and with reference to local general plans. In March 2019, the City adopted its General Plan Housing Element Update (HEU) that included updated employment and residential growth projections. The HEU Environmental Assessment (EA) determined that the HEU would result in a cumulative impact on air quality due to the increase in residential units which were not accounted for in the RAQS and SIP at that time. Although the RAQS does not reflect the increased population associated with the HEU, the City previously mitigated this issue by providing SANDAG with updated housing and land use data to update the RAQS as required by the HEU EA to ensure that any revisions to the residential and employment growth projections used by SDAPCD are accounted for in the RAQS and the SIP.

The project would be consistent with the City's General and HEU land use and zoning designations. In addition, because the City previously mitigated the increase in residential associated residential and employment growth, which were not currently accounted for in the RAQS projections by providing updating information to SANDAG for inclusion in future updates to the RAQS and SIP, the project would not cause the SANDAG's population forecast to be exceeded and ensure that any revisions to the residential and employment growth projections used by SDAPCD are accounted for in the RAQS and the SIP. Therefore, emissions generated by the project would be addressed in the RAQS and SIP. In addition, as discussed in Impact 3.2-2, below, the project would result in emissions that would be below the SDAPCD thresholds. Therefore, the project would not conflict with or obstruct implementation of the RAQS and SIP.

The proposed project would not result in a long-term impact on the region's ability to meet state and federal air quality standards, would be consistent with General Plan Policy 5.1 and Policy 13.1, and the impact would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EXPOSE SENSITIVE RECEPTORS TO POLLUTANTS

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

The nearest sensitive receptors to the project site are single-family residences to the east. According to the SDACPD’s Rule 1200, a project would result in a significant impact to a sensitive receptor if the project’s emissions of any toxic air contaminant resulted in a cancer risk greater than 10 in 1 million.

Construction

Emissions of pollutants, such as fugitive dust and heavy equipment exhaust, that are generated during construction are generally highest near the construction site. Emissions from project construction were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0. CalEEMod is the state-wide accepted modeling software used for preparing air quality analysis. The model utilizes project-specific inputs including location, construction schedule, and proposed uses.

Demolition and construction of the project is expected to occur over an approximately 19.5-month period. Table 3.2-5, Expected Construction Emissions Summary, provides the detailed emission estimates for each year of construction, as calculated with CalEEMod (Appendix C-1).

Table 3.2-5: Expected Construction Emissions Summary (pounds per day)

Year	ROG	NO _x	CO	SO ₂	PM ₁₀ (Total)	PM _{2.5} (Total)
2023	0.51	7.38	21.30	0.06	19.82	10.15
2024	0.64	7.32	20.25	0.06	8.09	3.73
2025	62.95	3.31	22.39	0.04	1.24	0.34
Significance Threshold (lb/day)	75	250	550	250	100	55
Is Threshold Exceeded?	No	No	No	No	No	No

Notes:

1. Emissions were calculated using CalEEMod, version 2020.4.0. Winter emissions represent worst-case.
2. Modeling assumptions include compliance with standard dust control measures (water exposed surfaces three times daily) and SDAPCD Rule 67.0.1 (architectural coatings with ROG content of less than 50 grams per liter for flat coatings and 100 grams per liter for non-flat coatings).

Source: Ldn Consulting, Inc. 2022a (see Appendix C-1).

3.2 Air Quality

As shown in Table 3.2-5, emissions of criteria pollutants during construction would be below the thresholds of significance for each year of construction. As project criteria pollutant emissions during construction would not exceed SDAPCD air quality standards and would be temporary, impacts would be **less than significant** and no mitigation measures are required.

Long-Term (Operational) Emissions

Operational impacts would include impacts associated with vehicular traffic, as well as area sources such as energy use (i.e., natural gas for cooking purposes in future restaurants), water and wastewater, landscaping maintenance, consumer products use (i.e., household cleaners, automotive products), and architectural coatings use for maintenance purposes. Operational impacts associated with vehicular traffic and area sources were estimated using CalEEMod.

Mobile Source Emissions

Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_x, SO_x, PM₁₀, and PM_{2.5} are all pollutants of regional concern (NO_x and ROG react with sunlight to form O₃ [photochemical smog], and wind currents readily transport SO_x, PM₁₀, and PM_{2.5}); however, CO tends to be a localized pollutant, dispersing rapidly at the source.

Table 3.2-6, Long-Term Operational Air Emissions, presents the anticipated mobile source emissions. As shown, emissions generated by vehicle traffic associated with the project would not exceed established SDAPCD thresholds. In addition, consistent with General Plan Policy 3.11, the project would include bicycle parking spaces on-site to encourage bicycle travel. Impacts from mobile source air emissions would be **less than significant**.

Area Source Emissions

Area source emissions would be generated from consumer products, architectural coating, and landscaping. As required, all architectural coatings for the proposed on-site structures would comply with SDAPCD *Rule 67.0.1 - Architectural Coating*. As shown in Table 3.2-6, area source emissions from the project would not exceed SDAPCD thresholds for ROG, NO_x, CO, SO_x, PM₁₀, or PM_{2.5}.

Energy Source Emissions

Energy source emissions would be generated as a result of electricity and natural gas associated with the proposed project for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. Per City regulations, the project does not propose the use of natural gas, as such use is prohibited for residential use. As a design feature, the project would install

high efficiency lighting fixtures. In addition, although not quantified and included in Table 3.2-7, the project would install solar panels capable of generating 149 kilowatt (kW) of solar power, which would be consistent with General Plan Policy 15.1, Policy 15.2, and Policy 15.3. As shown in Table 3.2-6, energy source emissions from the project would not exceed SDAPCD thresholds for ROG, NO_x, CO, SO_x, PM₁₀, or PM_{2.5}.

Table 3.2-6: Long-Term Operational Air Emissions

Emissions Source	Pollutant (lbs/day) ¹					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Proposed Project Summer Emissions						
Area Source Emissions	4.07	0.14	12.28	0.00	0.07	0.07
Energy Emissions ²	0.00	0.00	0.00	0.00	0.00	0.00
Mobile Emissions ³	2.48	2.47	22.23	0.05	5.41	1.47
Total Emissions ⁴	6.55	2.61	34.51	0.05	5.48	1.53
SDAPCD Threshold	75	250	550	250	100	55
Is Threshold Exceeded?	No	No	No	No	No	No
Proposed Project Winter Emissions						
Area Source Emissions	4.07	0.14	12.28	0.00	0.07	0.07
Energy Emissions ²	0.00	0.00	0.00	0.00	0.00	0.00
Mobile Emissions ³	2.42	2.67	22.81	0.05	5.41	1.47
Total Emissions ⁴	6.49	2.81	35.09	0.05	5.48	1.53
SDAPCD Threshold	75	250	550	250	100	55
Is Threshold Exceeded?	No	No	No	No	No	No

Notes:

1. Emissions were calculated using CalEEMod, version 2020.4.0.
2. As a design feature, the project would install high efficiency lighting fixtures.
3. The mobile source emissions were calculated using the trip generation data provided in the *Transportation Impact Study, Intersecting Metrics 2022* (Appendix K).

Source: Ldn Consulting, Inc. 2022a (see Appendix C-1).

Total Operational Emissions

Table 3.2-6 presents the results of the operational emission calculations, in pounds per day, and includes a comparison with the significance criteria. Based on the estimates of the emissions associated with project operations, the emissions of all criteria pollutants would be below the significance thresholds. As such, the project would not expose sensitive receptors to substantial pollutant concentrations during operations/occupancy. Impacts would be **less than significant**.

Health Risk

Construction

The project construction activities are anticipated to involve the operation of diesel-powered equipment, which would emit Diesel Particulate Matter (DPM). In 1998, the CARB identified diesel exhaust as a Toxic Air Contaminant (TAC). Cancer health risks associated with exposures to

3.2 Air Quality

diesel exhaust typically are associated with chronic exposure, in which a 30-year exposure period often is assumed. The project would construct residential buildings in compliance with the California Code of Regulations (CCR), Title 13, Sections 2449(d)(3) and 2485, which minimize the idling time of construction equipment either by turning it off when not in use or by reducing the time of idling to no more than five minutes. Implementation of these regulations would reduce the amount of DPM emissions from project construction.

The closest sensitive receptors to the project site are single-family residential uses to the east. However, health impacts on sensitive receptors associated with exposure to DPM from project construction are anticipated to be less than significant because construction activities are expected to last approximately 19.5 months, which is well below the 30-year exposure period used in health risk assessments. Additionally, emissions would be short-term and intermittent in nature, and therefore would not generate TAC emissions at high enough exposure concentrations to represent a health hazard. Impacts are **less than significant**.

Operations

The project would construct residential uses and would result in limited operational activities with the potential health risks, including landscaping maintenance operations. None of these activities would result in the generation of excessive TAC emissions, or associated health risks from the project's operation. Therefore, operation of the proposed project is not anticipated to result in an elevated cancer risk to nearby sensitive receptors and the impact would be **less than significant**.

Proximity to I-5

An Air Quality Health Risk Assessment (HRA) was prepared to evaluate potential health risks to project residents due to Diesel Particulate Matter (DPM) originating from proximity to I-5; refer to Appendix C-2. The analysis was prepared using the California Office of Environmental Health Hazard Assessment (OEHHA) methodologies (Office of Environmental Health Hazard Assessment) as outlined by the California Air Pollution Control Officers Association (CAPCOA).

The project site is located adjacent to I-5 between the off ramp of La Costa Avenue and Leucadia Boulevard. According to Caltrans, annual average daily trips (ADT) on I-5 are 213,000 ADT. Based on this data, I-5 would generate 0.0013 grams/second of diesel particulates over the modeled segment (Ldn Consulting, Inc. 2022b). Detailed EMFAC Model and Normalization calculations are provided in Attachment B of Appendix C-2.

Based on calculations included in the HRA, cancer risks for project residents resulting from exposure to suspended diesel particulates would exceed the established SDAPCD excess cancer risk significance threshold of 10 per one million exposed and could be considered a significant

impact (Ldn Consulting, Inc. 2022b). Refer also to Table 2: Cancer Risk at Worst-Case Outdoor Receptors (Unmitigated) of Appendix C-2.

In a study funded by CARB, the Lawrence Berkeley National Laboratory found that installation of Minimum Efficiency Reporting Value (MERV) 16 filtration on a supply ventilation system reduced PM_{2.5} by 96-97 percent and ultrafine particles (UFP) by 97-99 percent relative to outdoors (Ldn Consulting, Inc. 2022b) and such filters are therefore recommended for homes with exposure to higher levels of PM_{2.5}. To ensure that levels for the proposed residential units remain below significance thresholds, mitigation measure **AQ-1** would require installation of MERV-16 filtration systems within each proposed residence to reduce potential indoor levels of PM_{2.5}. Detailed descriptions of the mitigated cancer risk using MERV 16 filtration are included in Table 3: Cancer Risk at Worst-Case Indoor Receptors (Mitigated with MERV 16) of Appendix C-2. Impacts would be **less than significant with mitigation incorporated**.

Mitigation Measures:

AQ-1 **Install MERV-16 Filters Within Homes.** During project construction, MERV-16 filtration systems shall be installed within each residence.

Level of Significance: Less than significant with mitigation incorporated.

OTHER EMISSIONS SUCH AS THOSE LEADING TO OBJECTIONABLE ODORS

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

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

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

3.2 Air Quality

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

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

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

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

Geographic Scope

Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and the SDAPCD develops and implements plans for future attainment of ambient air quality standards. Based on these considerations, project-level thresholds of significance for criteria pollutants are relevant in the determination of whether the project's individual emissions would have a cumulatively significant impact on air quality. Cumulative projects that would have the potential to be considered in a cumulative context with the project's incremental contribution, and that are included in the analysis of cumulative impacts relative to air quality, are identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0, Environmental Analysis, of this EIR.

Additionally, to be conservative, the cumulative analysis is based on the "worst-case" assumption that all 2019 HEU sites develop under maximum density bonus unit allowances. The cumulative impact analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential cumulative air quality impacts may result when the emissions from cumulative projects combine to degrade air quality conditions below attainment levels for the SDAB, delay

attainment of air quality standards, affect sensitive receptors, or subject surrounding areas to objectionable odors. The cumulative study area for air quality includes the SDAB, which is contiguous with San Diego County because air quality is evaluated at the air basin level. Cumulative impacts on sensitive receptors and odors are more localized and include surrounding areas close to the project site.

Potential Cumulative Impacts

As shown in Table 3.2-3, the SDAPCD is in federal nonattainment status for ozone (8-hour) and state nonattainment status for ozone (8-hour and 1-hour), PM₁₀, and PM_{2.5}. Projects that emit these pollutants or their precursors (i.e., VOC and NO_x for ozone) potentially contribute to poor air quality. The SDAPCD significance thresholds consider the cumulative impact of a project that adds emissions to the entire air basin, in this case a basin already in nonattainment for several criteria. As indicated in Tables 3.2- 5 and 3.2-6, construction and operations/occupancy emissions would not exceed the SDAPCD significance thresholds. Other projects included in the cumulative project list would similarly be required to evaluate if such projects would exceed significance thresholds and contribute to an overall cumulative air impact in the basin.

As noted above, the SCAQMD concludes that it is not currently possible to accurately quantify ozone-related health impacts caused by NO_x or VOC emissions from relatively small projects (defined as projects with regional scope) due to photochemistry and regional model limitations. Other cumulative projects would similarly analyze their projected construction and operation air emissions to determine if the project exceeds the SDAPCD thresholds. If the other cumulative projects do not exceed SDAPCD thresholds for construction and operational air emissions, the projects would have a less than significant impact for air quality health impacts as well. Additionally, as construction emissions identified in Table 3.2-5 are low relative to standards, simultaneous construction of the cumulative projects would cause a less than significant cumulative impact on air quality (refer also to Appendix C-1).

The thresholds were developed to address criteria pollutants on an air-basin scale because air quality is an inherently cumulative issue. Because the proposed project is below these thresholds, it therefore would not result in a considerable contribution to regional air quality impacts. As noted under Impact 3.2-1 above, although the RAQS does not reflect the increased population associated with the HEU update, the City previously mitigated this issue by providing SANDAG with updated housing and land use data to update the RAQS as required by the HEU EA. In addition, as detailed above, the proposed project's emissions fall below established thresholds and therefore, the project's contribution to this cumulative impact would be **less than cumulatively considerable**.

3.2 Air Quality

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

Section 3.3

Biological Resources

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

The analysis in this section is substantially based on the *Biological Technical Report* prepared by ECORP Consulting, Inc. (2022; Appendix D). Third-party technical reports have been peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

The project site is currently vacant and comprises two parcels located directly east of Interstate 5 (I-5) between Leucadia Boulevard and La Costa Avenue in the Leucadia community of Encinitas. The project site (“development area”) would be developed with the proposed residential townhome uses and amenities. An off-site preserve area adjacent to the north would be preserved in perpetuity and left in its current state in order to mitigate for impacts resulting with future development of the project site.

The proposed “development area” considered, or project footprint, includes the proposed residential development and amenity area (on-site impacts), off-site improvements (i.e., off-site impacts) required by the City adjacent to the property along Piraeus Street and Plato Place, and the fuel modification zone (FMZ) which totals approximately 6.78 acres. The area where the residential uses are proposed lies entirely within the southern parcel (APN 254-144-01-00). The proposed off-site preserve area comprises the northern parcel (APN 216-110-35-00) and a small northern portion of the project site (APN 254-144-01-00), and totals approximately 5.51 acres. Refer also to Figure 3.3-1, Biological Study Area/Impacts.

Surrounding land uses include single-family residences to the east and south; Plato Place to the south; and Piraeus Street and I-5 to the west. Vacant land and La Costa Avenue are present to the north. Sky Loft Road traverses the off-site preserve area in an east-west direction.

The project site is approximately 0.9 miles east of California coastline and is located within the Coastal Zone. Topography of the site is relatively flat within the development area with slopes present along the western and northern edges. There is a steep drop where the development area meets the off-site preserve area. Within the preserve area, a steep slope occurs in a northeasterly direction. Elevation ranges from 15 feet to 175 feet above mean sea level across the project site.

3.3 Biological Resources

Additionally, the project site is located within a Very High Fire Hazard Severity Zone (Caltrans n.d). As such, the establishment and maintenance of a FMZ to the north of the townhomes would be required as part of the project. The FMZ would include clearing/modifying trees and shrubs within 80 feet of the proposed habitable structures as a wildland fire safety measure.

Appendix D documents the biological surveys completed within and along the boundaries of the subject property. The biological assessment revealed that a number of special-status species have been previously recorded in the project vicinity. More detailed discussion of the potential presence of sensitive habitat, plants, and animal species on-site is provided below.

Literature Review

Project-related documentation was reviewed to collect site-specific data regarding habitat suitability for special-status species. Additional information was obtained from a variety of outside data sources. Preliminary database searches were performed on the following websites to identify special-status species with the potential to occur in the area (ECORP 2022; refer to Appendix D for additional details):

- U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) *Web Soil Survey*;
- State and Federally Listed Endangered and Threatened Animals of California;
- Special Animals List;
- California Department of Fish and Wildlife's (CDFW) Vegetation Classification and Mapping Program;
- *The Jepson Manual: Vascular Plants of California*;
- *The Manual of California Vegetation, 2nd Edition*;
- US Fish and Wildlife Service (USFWS) Critical Habitat Portal and Information for Planning and Consultation (IPaC) Trust Resource List;
- USFWS National Wetland Inventory;
- North County Multiple Habitat Conservation Program (MHCP) (San Diego Association of Governments (SANDAG));
- Draft Encinitas Subarea Plan;
- Various online websites.

Field Reconnaissance

On March 10, 2022, the entire project site, as well as adjacent natural areas, were surveyed on foot by ECORP. Focused, protocol-level surveys were not conducted as part of the site visit due to the developed conditions of the site and results of the literature review. Plant and wildlife species observed during the survey were recorded, and representative photographs of the property were taken. The individuals who conducted the surveys, the date and time of the surveys, and survey conditions are available in the *Biological Technical Report*; refer to Appendix D.

Protocol Surveys

Focused surveys for rare plants and vegetation mapping were conducted from spring through summer of 2022. Four special-status plant species (California adolphia, wart-stemmed ceanothus, Engelmann oak, and ashy spike-moss) were identified within the project site and the 100-foot wide study area buffer. Refer to Attachment A of Appendix D.

Focused breeding season surveys for the coastal California gnatcatcher were conducted in the spring of 2022. The surveys confirmed the presence of this species on the project site. A total of five CAGN territories (two pair within the proposed development area, one territorial male within the off-site preserve area, and two pairs within the 500-foot survey buffer east of the property boundary and north of Sky Loft Road. A small portion of one of the gnatcatcher territories overlaps the northern preserve area; refer to Attachment B of Appendix D.

Additionally, focused surveys for Pacific pocket mouse were conducted in the summer of 2022. Results of the survey were negative. Refer to Attachment C of Appendix D.

Existing Conditions

Biological Setting

Vegetation Communities

The vegetation communities observed on the project site are characteristic of coastal sage scrub, chaparral, and grassland communities. The vegetation communities and land cover types present on-site in both the development area and the preserve area are depicted on Figure 3.3-2, Vegetation Communities and Land Cover Types within the Project Site, and described in further detail below. Refer to Appendix D for a complete list of plant species observed within the project site during the field surveys. Table 3.3-1 provides the acreage of each vegetation community/land use on-site in the development area and the off-site preserve area, with each discussed in detail following the table.

Table 3.3-1: Vegetation Communities and Land Covers within the Survey Area

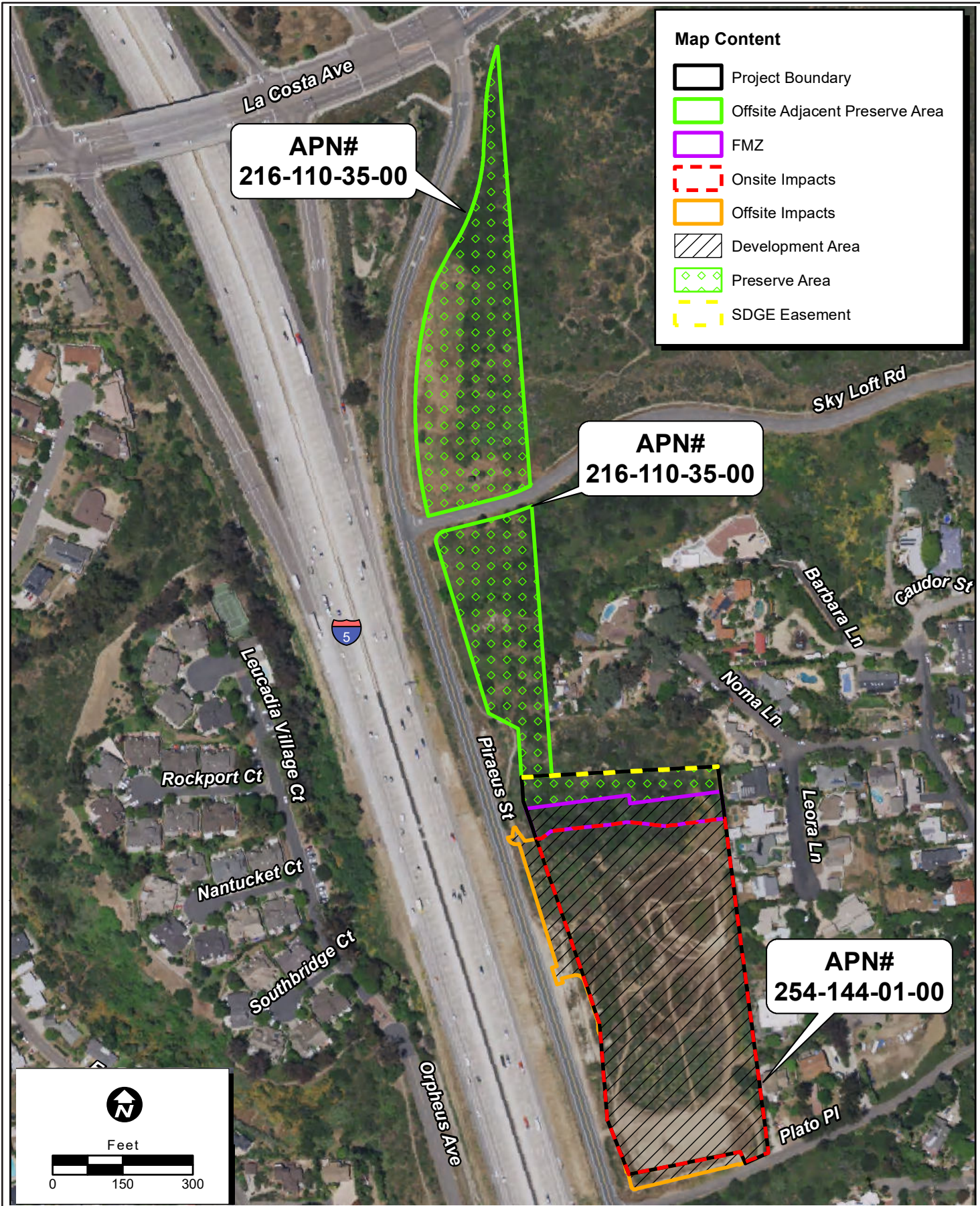
Vegetation Communities and Land Covers (Oberbauer/MCV)	Development Area (Impact) (Acres)			Development Area (Impact) Total (Acres)	Preserve Area (No Impact) (Acres)		SDG&E Easement	Total (Acres)
	On-site	Off-site Improvements	FMZ		On-site (Acres)	Off-site Adjacent (Acres)		
Diegan Coastal Sage Scrub/ California Sagebrush- California Buckwheat Scrub	0.77	0.16	-	0.93	-	-	-	0.93
Diegan Coastal Sage Scrub/Brittle Bush Scrub	-	-	-	-	-	2.43	-	2.43
Diegan Coastal Sage Scrub/ Lemonade Berry Scrub ¹	-	-	-	-	-	0.71	-	0.71
Southern Mixed Chaparral/ Chamise-Mission Manzanita Chaparral ¹	0.65	<0.01	0.48	1.13	0.56	0.25	0.02	1.97
Coastal Scrub/ Deerweed Scrub	1.38	0.06	-	1.44	-	-	-	1.44
Nonnative Grassland/Annual Brome Grassland	-	-	-	-	-	1.38	-	1.38
Nonnative Riparian/Giant Reed Break	-	-	-	-	-	0.18	-	0.18
Disturbed/ Disturbed	2.96	0.27	0.05	3.28	<0.01	-	-	3.28
			Total	6.78	0.56	4.95	0.02	12.32

¹ Sensitive vegetation community

Source: ECORP 2022 (see Appendix D).

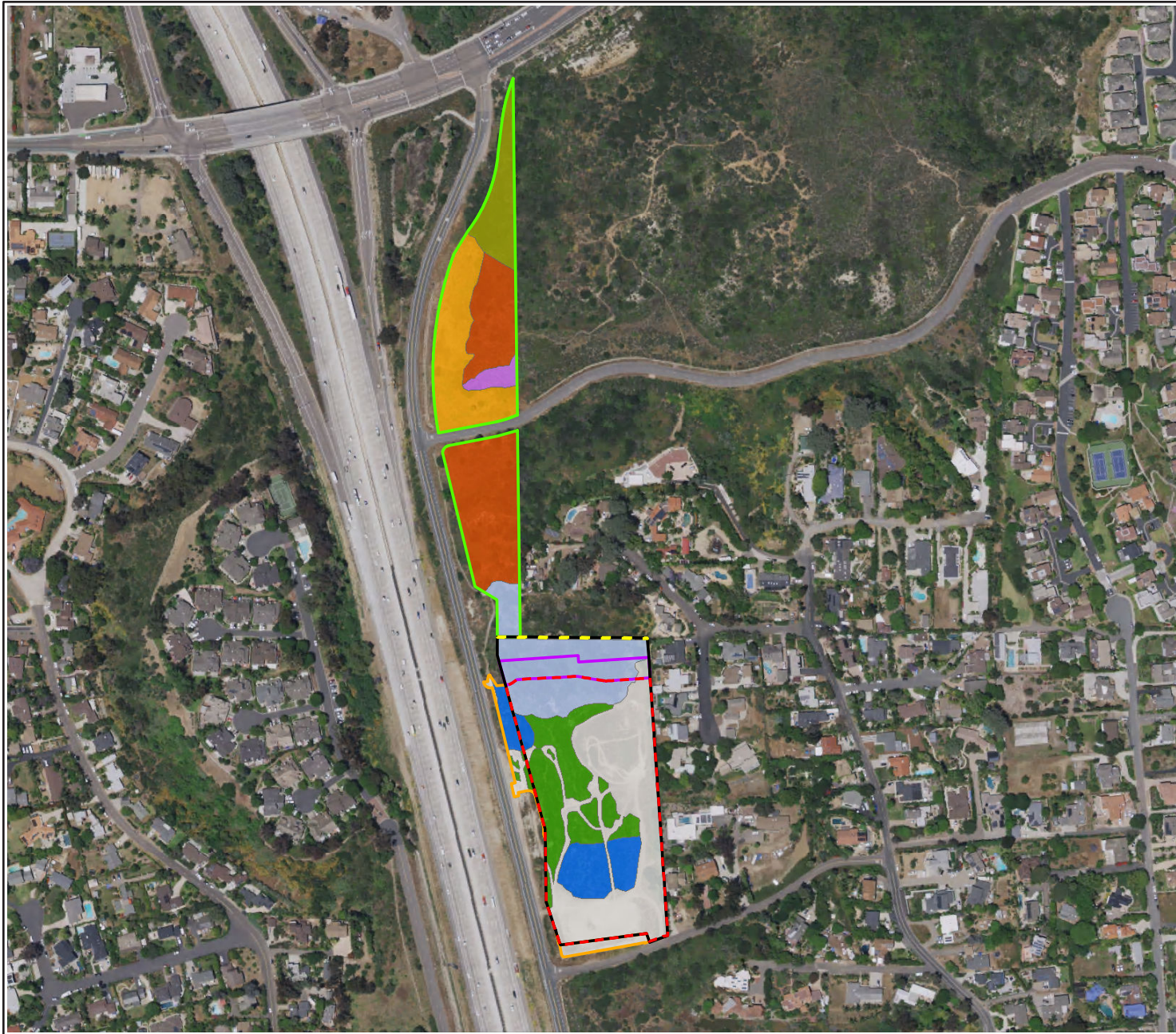
Plants

Plant species observed on the project site were generally characteristic of coastal sage scrub, chaparral, and grassland communities; refer to Figure 3.3-3, Biological Survey Results - Plants. Non-native plant species observed on the project site were dominant within the grassland and disturbed areas, intermittently found within native vegetation communities. A full list of plant species observed on the project site is included in Attachment E of Appendix D.



Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community Photo Source: NAIP

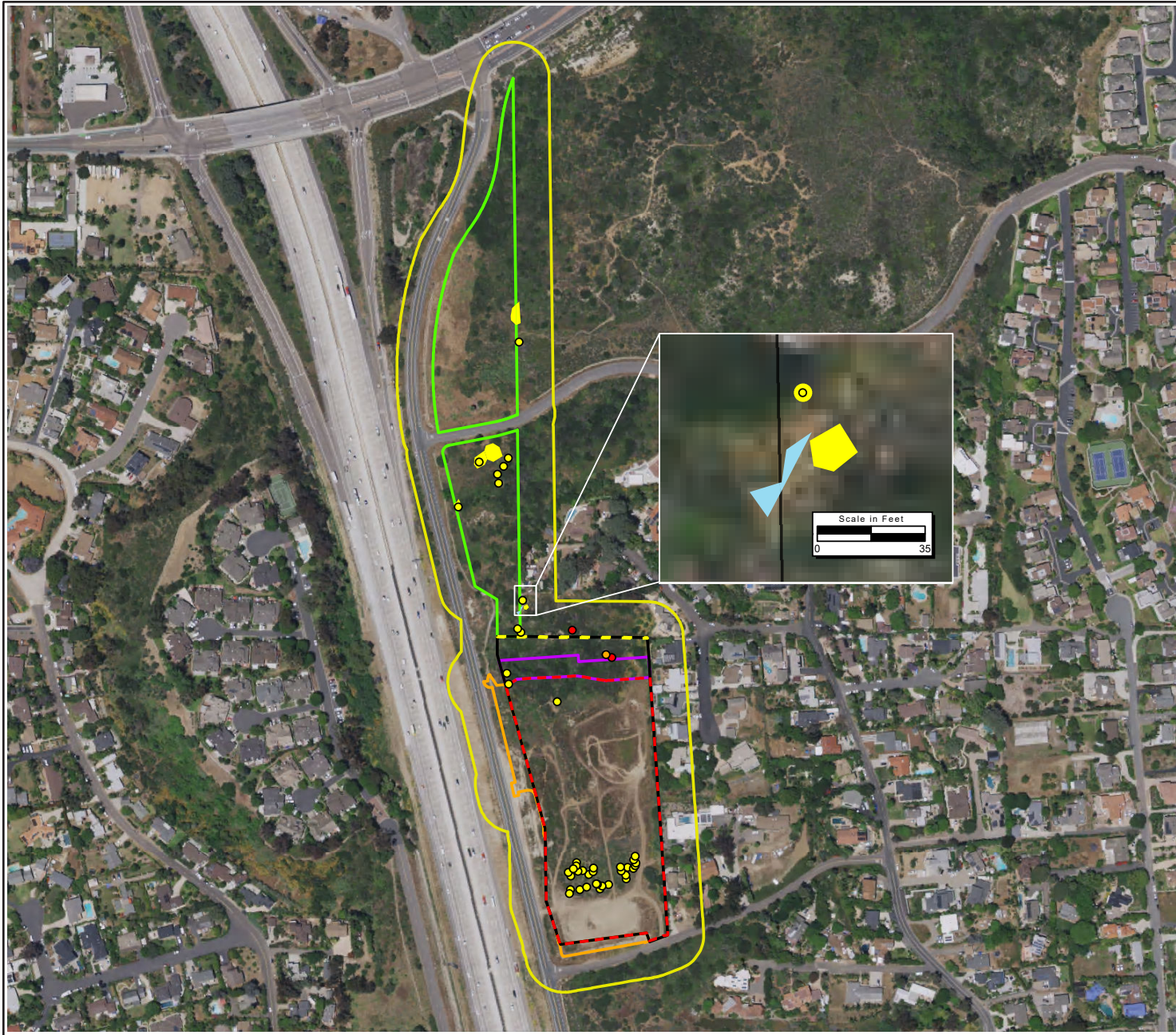
This page intentionally left blank.



- Map Content**
- Project Boundary
 - Offsite Adjacent Preserve Area
 - FMZ
 - Onsite Impacts
 - Offsite Impacts
 - SDGE Easement
- Vegetation Communities and Land Cover Types**
- MCV - Annual Brome Grasslands (*Bromus [diandrus, hordeaceus]-Brachypodium distachyon* Semi-Natural Herbaceous Stand) Oberbauer - Non-native Grassland (42200) **1.380 acres**
 - MCV - California Brittle Bush Scrub (*Encelia californica* Shrubland Alliance) Oberbauer - Diegan Coastal Sage Scrub (32500) **2.430 acres**
 - MCV - California sagebrush -California buckwheat scrub (*Artemisia californica-Eriogonum fasciculatum* Shrubland Alliance) Oberbauer - Diegan Coastal Sage Scrub (32500) **0.930 acres**
 - MCV - Chamise-mission manzanita chaparral (*Adenostoma fasciculatum-Xylococcus bicolor* Shrubland Alliance) Oberbauer - Southern Mixed Chaparral (37120) **1.968 acres**
 - MCV - Deerweed Scrub (*Lotus scoparius* Shrubland Alliance) Oberbauer - Coastal Scrub (32000) **1.441 acres**
 - MCV - Giant Reed Break (*Arundo donax* Semi-Natural Herbaceous Stand) Oberbauer - Non-Native Riparian (65000) **0.176 acres**
 - MCV - Lemonade Berry Scrub (*Rhus integrifolia* Shrubland Alliance) Oberbauer - Diegan Coastal Sage Scrub (32500) **0.713 acres**
 - Disturbed **3.282 acres**



This page intentionally left blank.



Map Content

- Project Boundary
- Offsite Adjacent Preserve Area
- FMZ
- Onsite Impacts
- Offsite Impacts
- SDGE Easement
- 100-ft Buffer

Rare Plant Observations

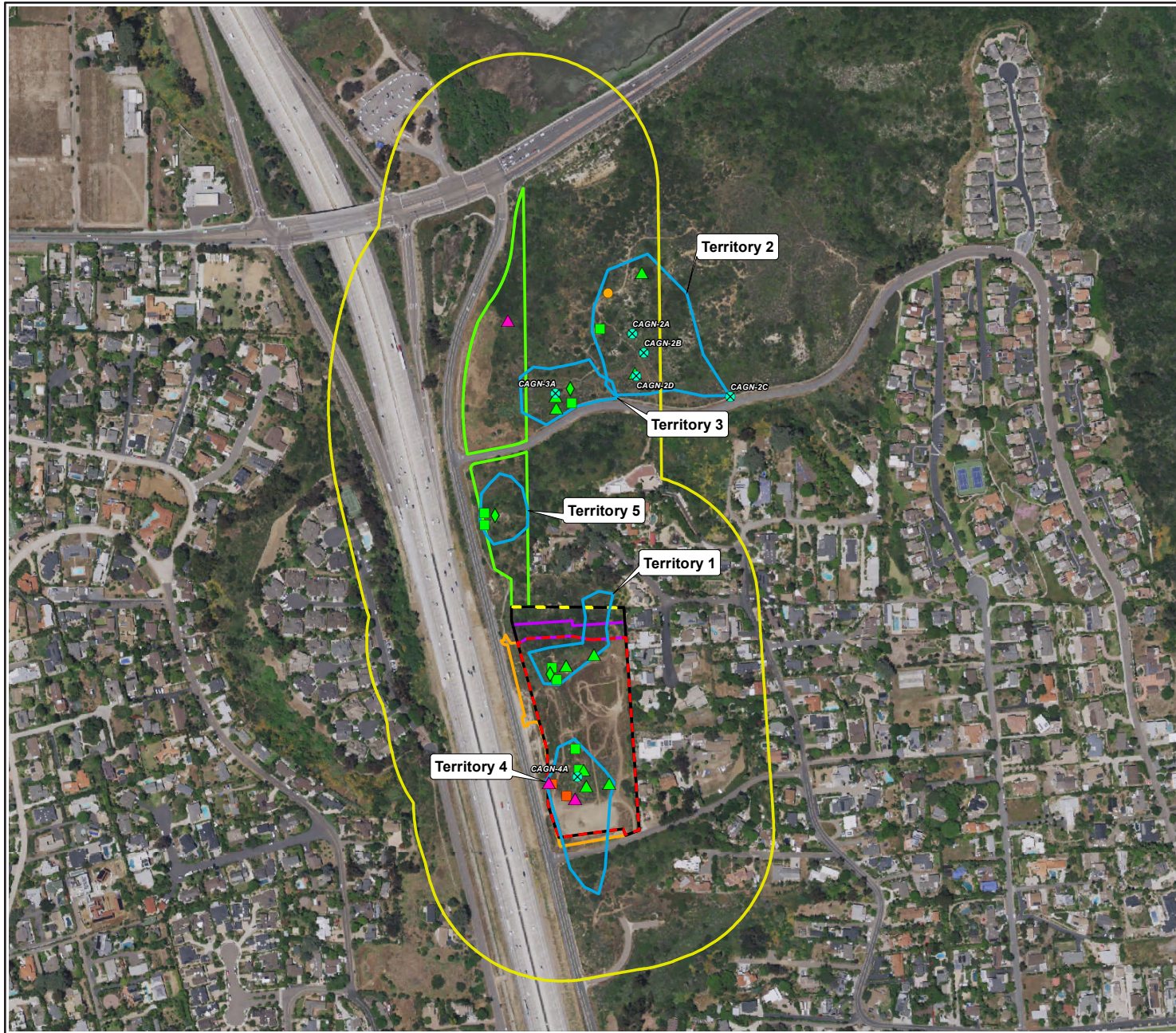
- California adolphia (*Adolphia californica*)
- Engelmann oak (*Quercus engelmannii*)
- Wart-stemmed ceanothus (*Ceanothus verrucosus*)

Rare plant Occupied Habitat

- Ashy-spike moss (*Selaginella cinerascens*)
- California adolphia (*Adolphia californica*)
- Engelmann oak (*Quercus engelmannii*)
- wart-stemmed ceanothus (*Ceanothus verrucosus*)

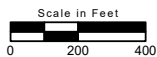


This page intentionally left blank.



Map Content

- Project Boundary
 - Offsite Adjacent Preserve Area
 - FMZ
 - Onsite Impacts
 - Offsite Impacts
 - SDGE Easement
 - 500-ft Buffer
 - Woodrat (*Neotoma* sp.) Middens
 - Orange-throated Whiptail
- CAGN Incidental Detection**
- ▲ Coastal California Gnatcatcher (*Poliopitila californica californica*)
- CAGN Focused Survey Detection**
- CAGN Territory
 - ⊗ CAGN Nest
 - Male
 - ▲ Pair
 - ◆ Unknown



This page intentionally left blank.

Development Area

The dominant vegetation community present throughout the Development Area is coastal scrub and disturbed land cover. Large trees are not present within the Development Area and a patch of coastal scrub is located within the center which transitions into Diegan coastal sage scrub along the slopes to the northwest and south. Southern mixed chaparral occupies the northern area and transitions into the preserve area. The majority of the off-site preserve area contains Diegan coastal sage scrub but also contains smaller portions of nonnative riparian and nonnative grassland communities. The FMZ to the north of the proposed development area is comprised of southern mixed chaparral. It should be noted that impacts occurring to southern mixed chaparral within the FMZ are included in the impact calculations.

Diegan Coastal Sage Scrub

The three MCV vegetation communities documented within the project site are California sagebrush-California buckwheat scrub, brittle bush scrub, and lemonade berry scrub. However, to consider the mitigation ratios of the MHCP and the Draft Subarea Plan (SAP), all three can be converted to Oberbauer's Diegan coastal sage scrub. Within the project area, this community was co-dominated with California sagebrush and California buckwheat.

Other species such as deerweed, lemonade berry, and coastal prickly pear were also present. Most shrubs were less than 2 meters tall on southern and western facing slopes. This vegetation community is located in the southern and northwestern portions of the Development Area, and within the middle and northern portions of the preserve area. Diegan coastal sage scrub is included in the Group C: coastal sage scrub habitat group under the MHCP and Draft SAP. Within the FPA, Diegan coastal sage scrub is required to be mitigated at a 2:1 ratio. (ECORP 2022). California sagebrush-California buckwheat scrub, one of the three MCV vegetation communities considered as Diegan coastal sage scrub, is not considered a sensitive natural community by CDFW, with a global rarity rank of G4 and state rarity rank of S4. The second MCV equivalent, brittle bush scrub, is also not considered a sensitive natural community with a global rarity rank of G5 and state rarity rank of S4. Finally, the last MCV equivalent, lemonade berry scrub, is considered a sensitive vegetation community with a global and state rarity rank of G3 and S3, respectively (ECORP 2022).

Southern Mixed Chaparral

Chamise-Mission Manzanita Chaparral an MCV classification, can be converted to Oberbauer's Southern Mixed Chaparral. It was found within the Development Area and preserve area. It is a chaparral community, which consists of mostly hard-woody shrubs less than 3 meters tall with an intermittent to continuous canopy. Dominant species within this community consisted of chamise and mission manzanita as a subdominant, but also consisted of laurel sumac, toyon, lemonade berry, and black sage. This vegetation community is located in the northern portion of

3.3 Biological Resources

the development area and southern portions of the preserve area. Southern mixed chaparral is included in the Group D: Chaparral habitat group under the Draft SAP and MHCP. Within the FPA, southern mixed chaparral must be mitigated at a 1:1 ratio. CDFW considers chamise-mission manzanita chaparral as a sensitive vegetation community as this community has a global rarity rank of G4 and a state rank of S3 (ECORP 2022).

Coastal Scrub

Deerweed Scrub, an MCV classification, can be converted to Oberbauer's coastal scrub. This community is associated with moderate to dense scrub and was primarily dominated by deerweed within the development area. Other species included California sagebrush, coyote brush, and scattered individuals of California everlasting. Deerweed scrub/coastal scrub is included in the Group C: coastal scrub habitat group under the Draft SAP and MHCP. Within the FPA, coastal scrub must be mitigated at a 2:1 ratio. CDFW does not consider Deerweed Scrub a sensitive community, it has a global rarity rank of G5 and a state rarity rank of S5 (ECORP 2022).

Disturbed

The classification disturbed is a land cover type and not a vegetation classification. Areas mapped as disturbed were heavily altered due to human disturbance and were dominated by open areas, dirt paths, and nonnative weedy and ruderal vegetation. Dominant plant species of the disturbed areas of the Development Area were nonnative herbs including red-stemmed filaree, hottentot fig, and crystalline ice plant. Disturbed land cover type is included in the Group F: Other group under the Draft SAP and MHCP (ECORP 2022). CDFW does not consider disturbed as a vegetation community.

Off-site Preserve Area

Additional vegetation communities are present within the off-site preserve area. Southern mixed chaparral is the only vegetation community found within both the Development Area and preserve area and occurs at the boundary line between the two areas. Similarly, a small, disturbed area exists at the eastern boundary line between the two areas. The dominant vegetation communities present throughout the off-site preserve area are the Diegan coastal sage scrub community California brittle bush scrub and annual brome grassland. Multiple northern California black walnut trees and a few Mexican fan palms are present within the preserve area. In the northernmost portion of the off-site preserve area is Diegan coastal sage scrub. A patch of nonnative riparian occurs just north of Skyloft Road. Southern mixed chaparral occupies the southern-most area.

Nonnative Riparian

Giant reed break, an MCV classification, can be converted to Oberbauer's nonnative riparian community. This community is associated with a continuous canopy and usually associated with

riparian areas. Within the project area, this community was dominated by giant reed but also included castor bean and hottentot fig within a small portion of the preserve area. Nonnative riparian is included in the Group A: Wetland/Riparian under the Draft SAP and MHCP (ECORP 2022). CDFW considers nonnative riparian a semi-natural stand and a global and state rarity rank is not applicable (ECORP 2022). The water source for this vegetation community appears to be from urban runoff and this community would not be impacted by the project.

Nonnative Grassland

Annual brome grassland, an MCV classification, can be converted to Oberbauer's nonnative Grassland. This community is only present within the preserve area and was primarily dominated by ripgut brome. Other species included black mustard, foxtail brome, and red-stemmed filaree. nonnative grassland is included in the Group E: annual grassland habitat group under the Draft SAP and MHCP. CDFW considers nonnative grassland a semi-natural stand and a global and state rarity rank is not applicable (ECORP 2022).

Wildlife

The project site provides habitat for species adapted to coastal scrub environments. ECORP biologists observed 18 bird species during the reconnaissance survey and an additional 22 were observed over the course of focused wildlife surveys. Sign or presence of 10 mammal species, four reptile species, and eight insect species were also observed. Woodrat middens were identified within the Development Area that could potentially belong to the San Diego desert woodrat. San Diego desert woodrat is a special-status species that was confirmed during focused Pacific pocket mouse surveys. A full list of wildlife species observed on the project site is included in Attachment F of Appendix D.

Sensitive Habitats

Sensitive habitats include the following:

- Areas of special concern to resource agencies
- Areas that provide habitat for rare or endangered species which meet the definition of Section 15380 of the California Environmental Quality Act (CEQA) Guidelines
- Areas designated as sensitive natural communities by the CDFW
- Areas outlined in California Fish and Game Code (FGC) Section 1600
- Areas regulated under Clean Water Act Section 404
- Areas protected under Clean Water Act Section 401

3.3 Biological Resources

- Areas protected under local regulations and policies

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

Special-Status Species

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

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

Sensitive Plants

The literature review and database search identified 56 special-status plant species that have the potential to occur on or near the project site; refer to Appendix D. Additionally, one special-status plant species, California adolphia, was observed during the reconnaissance survey. Focused rare plant surveys confirmed number and locations of California adolphia populations and detected three additional special-status plant species: wart-stemmed ceanothus, Engelmann oak, and ashy spike-moss. All rare plant species observed within the Survey Area are designated as rare by the

CNPS. Wart-stemmed ceanothus and Engelmann oak are covered by the MHCP and Draft SAP. None of the rare plant species found within the survey area are state or federally listed. Refer also to Appendix D.

California Adolphia (CRPR 2B.1)

California adolphia is a dicot, a spiny shrub in the Rhamnaceae family that is native to California. Adolphia has a CNPS California Rare Plant Rank (CRPR) rating of 2B.1, 2B meaning that the species' distribution is "rare, threatened, or endangered in California but common elsewhere", and its threat rank of 0.1 defined as "seriously threatened in California." California adolphia is not covered by the Draft SAP or MHCP. This species was observed in the Southern Mixed Chaparral and Diegan Coastal Sage Scrub vegetation communities. Based on extent of occupied habitat, this was the most prevalent rare plant species within the Survey Area. Approximately 154 individuals were documented within the Development Area (inclusive of 9 individuals within the FMZ) and 17 individuals within its 100-ft buffer. The off-site preserve area contains 103 individuals of California adolphia, and 53 individuals within its 100-foot buffer (ECORP 2022).

Wart-Stemmed Ceanothus (CRPR 2B.2, MHCP Covered)

Wart-stemmed ceanothus is a dicot, a shrub in the Rhamnaceae family that is native to California. Wart-stemmed ceanothus has a CRPR rating of 2B.2, with the same distribution description as California adolphia, and 0.2 threat rank described as "moderately threatened in California." Wart-stemmed ceanothus is a proposed covered species for the Draft SAP and is a MHCP covered species, which is subject to species-specific permit conditions outlined in Section 4, Volume II of the Final MHCP. This species was observed in the Southern Mixed Chaparral vegetation community. One wart-stemmed ceanothus was observed in the off-site preserve area and one other individual was documented within the 100-foot buffer of the preserve area (ECORP 2022).

Engelmann Oak (CRPR 4.2, MHCP Covered)

Engelmann oak is a dicot, a deciduous tree in the Fagaceae family that is native to California. Engelmann oak has a CRPR rating of 4.2, 4.0 meaning that the species distribution is limited and is referred to as a "watch list," and the same threat rank of wart-stemmed ceanothus. Engelmann oak is a proposed covered species for the Draft SAP and is a MHCP covered species, which is subject to species-specific permit conditions outlined in Section 4, Volume II of the Final MHCP. A single Engelmann oak was documented in the southern portion of the off-site preserve area, within Southern Mixed Chapparal (ECORP 2022).

Ashy Spike-Moss (CRPR 4.1)

Ashy spike-moss is a lycopod, a perennial rhizomatous herb in the Selaginellaceae family that is native to California. Ashy spike-moss has a CRPR rating of 4.1, with the same distribution description as Engelmann oak, and its threat rank of 0.1 defined as "seriously threatened in

3.3 Biological Resources

California.” Ashy spike-moss is not covered by the Draft SAP or MHCP. Approximately 500 individuals of ashy spike-moss were documented within the off-site preserve area and 250 individuals were documented within the 100-foot buffer of the proposed preserve area, in southern mixed chaparral (ECORP 2022).

Sensitive Wildlife

Results of the literature search and the reconnaissance-level survey identified 32 special-status wildlife species as having potential to occur on or in the vicinity of the project site. Five special-status wildlife species were determined present based on detections during the biological surveys; refer to Figure 3.3-4, Biological Survey Results - Wildlife. One special-status wildlife species was determined to have a high potential to occur, six species were determined to have a moderate potential to occur, and the remaining 20 species were determined to have a low potential to occur or were presumed absent. The special-status wildlife species observed or found to have a high or moderate potential to occur within the project site are listed below.

Coastal California Gnatcatcher

Coastal California gnatcatcher is a federally listed (threatened) species, a CDFW Species of Special Concern (SSC), and a covered species under the North County MHCP. Final designated critical habitat comprises the entirety of the project site. Several recent occurrences in the CNDDDB have been recorded within 5 miles of the site; the most recent occurrence is approximately 0.8 miles southeast of the site in 2005. Additionally, this species was observed during previous studies of the site. The coastal sage scrub and chaparral habitats provide highly suitable habitat for this species. A pair of Coastal California gnatcatchers were observed within the coastal sage scrub community in the center of the development area during the reconnaissance survey. A single male was also observed in the coastal sage scrub of the preserve area during the reconnaissance survey (ECORP 2022).

Cooper's Hawk

Cooper's hawk is a CDFW Watch List species and is a covered species under the North County MHCP. It inhabits a variety of habitats from wooded areas of deep forests to leafy subdivisions. One individual was observed flying over the development area during the reconnaissance survey. Nesting habitat associated with this species occurs within the 500-foot buffer of the project site and to a lesser degree within the project site itself. Foraging habitat is present throughout the project site and buffer. No active nests for this species were observed within the area (ECORP 2022).

Monarch Butterfly

The California overwintering population of monarch butterfly is a candidate species for listing under the federal ESA. This species inhabits a variety of habitats and has a reliance on milkweeds

as its obligate larval host plant. No milkweed plants were observed within the project site. The overwintering population is known to have a preference for and dependency on non-native trees planted in the mild coastal zone. This species was observed within the preserve area of the project site but likely during a migratory effort as the project site does not contain overwintering habitat.

San Diego Desert Woodrat

San Diego desert woodrat is a CDFW SSC. This species inhabits a variety of habitats including chaparral, coastal sage scrub, Riversidean alluvial fan sage scrub, and desert scrubs. Their range includes southern California and the Great Basin, Mojave and Colorado deserts. Woodrats build large dens known as middens which consist of vegetation and woody materials. A midden was observed within the Development Area during the reconnaissance survey that could be occupied by this species. This species was incidentally captured, identified, and safely released during focused 2022 Pacific pocket mouse trapping surveys (ECORP 2022).

Orange-throated Whiptail

Orange-throated whiptail is a CDFW Watch List (WL) species and an MHCP covered species. This species inhabits semi-arid brushy areas typically with loose soil and rocks, including washes, stream sides and coastal chaparral. Its range extends from the southern edges of Orange and San Bernardino Counties to coastal areas of San Diego County. This species was observed adjacent to the preserve area during the focused coastal California gnatcatcher surveys for the project (ECORP 2022).

Migratory Birds

Potential nesting habitat for migratory birds and raptors protected by the Migratory Bird Treaty Act (MBTA) and California FGC, including the special-status bird species present or with potential to occur on the project site (i.e., coastal California gnatcatcher, Cooper's hawk, southern California rufous-crowned sparrow, and Bell's sage sparrow), is present on the project site and adjacent areas in the larger shrubs and nearby anthropogenic structures (e.g., wooden utility poles, nearby buildings). Additionally, suitable habitat for ground-nesting species, such as mourning dove, is present throughout the site. The coastal sage scrub and chaparral habitats provide suitable nesting habitat for bird species. Raptors typically breed between February and August, and songbirds and other passerines generally nest between March and August. While suitable nesting habitat for raptors is limited on the project site due to the lack of large solitary trees or other perching and nesting structures, nearby buildings and wooden utility poles are present in the areas surrounding the project site. An active red-tailed hawk nest was identified just outside of the 500-foot buffer of the project site to the south (see Appendix D).

3.3 Biological Resources

Jurisdictional Waters

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

Wildlife Movement Corridors, Linkages, and Significant Ecological Areas

The concept of habitat corridors addresses the linkage between large blocks of habitat that allow the safe movement of mammals and other wildlife species between habitat areas. The definition of a corridor varies; however, corridors may include areas such as greenbelts, refuge systems, underpasses, and biogeographic land bridges. In general, a corridor is described as a linear habitat, embedded in a dissimilar matrix, which connects two or more large blocks of habitat. Wildlife movement corridors are critical for the survivorship of ecological systems for several reasons. Corridors can connect water, food, and cover sources, spatially linking these three resources with wildlife in different areas. In addition, wildlife movement between habitat areas provides for the potential of genetic exchange between wildlife species populations, thereby maintaining genetic variability and adaptability to maximize the success of wildlife responses to changing environmental conditions. This is especially critical for small populations subject to loss of variability from genetic drift and effects of inbreeding. The nature of corridor use and wildlife movement patterns varies greatly among species.

The project site is within an identified Biological Core and Linkage Area (BCLA) under the MHCP but not within a defined wildlife corridor. The project site is located within the La Costa *softline* Focused Planning Area (FPA), a planning area delineated by the City of Encinitas as part of their Draft Subarea Plan. The Draft Subarea Plan is based on policies outlined in the North County MHCP. The FPAs consist of a combination of *hardline* preserves (i.e., lands that will be conserved and managed for biological resources) and *softline* planning areas (i.e., within which preserve areas will ultimately be delineated based on further data and planning). The City of Encinitas specifies: “For softlined areas, which do not have development approvals, development and conservation standards and criteria will be applied to achieve the projected conservation” (ECORP 2022).

The project site was assessed for its ability to function as a wildlife corridor. The preserve area provides unlimited wildlife movement opportunities due to its connectivity to open space to the northeast and adjacency to Batiquitos Lagoon. The off-site preserve area contains vegetation structure and topography that does provide unique or additional vegetative cover or shelter from adjacent areas, which is a characteristic of wildlife corridor areas. The development area’s value

as a corridor is lower because a majority of the development area is sparse, disturbed land cover bordered by residential development. The coastal sage scrub within the center of the development area provides a noncontiguous connection to the dense chaparral habitat at the north end of the development area, which transitions into the preserve area; therefore south–north movement is established. The presence of I-5 west of the project site and residential development to the east and southeast likely block east-west movement through the area.

REGULATORY FRAMEWORK

Federal

Endangered Species Act

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

Clean Water Act

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

CWA Section 404 prohibits the discharge of dredged or fill material into waters of the United States without a permit from the US Army Corps of Engineers (USACE). The USACE and the US Environmental Protection Agency administer the act. In addition to streams with a defined bed and bank, the definition of waters of the United States includes wetland areas “that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically

3.3 Biological Resources

adapted for life in saturated soil conditions” (33 CFR 328.3 7b). The lateral extent of non-tidal waters is determined by delineating the ordinary high-water mark (33 CFR Section 328.4[c][1]).

Substantial impacts to jurisdictional wetlands may require an individual permit. Small-scale projects may require a nationwide permit, which typically has an expedited process compared to the individual permit process. Mitigation of wetland impacts is required as a condition of the 404 permit and may include on-site preservation, restoration, and/or enhancement and/or off-site restoration or enhancement. The characteristics of restored or enhanced wetlands must be equal to or better than those of the affected wetlands to achieve no net loss of wetlands.

Migratory Bird Treaty Act

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

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

State

California Endangered Species Act

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

State Water Resources Control Board/Regional Water Quality Control Board

For Waters of the State that are federally regulated under the Clean Water Act, the State Water Resources Control Board (through its RWQCBs) must provide state water quality certification pursuant to CWA Section 401 for activities requiring a federal permit or license that may result in discharge of pollutants into Waters of the United States. Where no federal jurisdiction exists

over Waters of the State, the State Water Resources Control Board (through its RWQCBs) retains regulatory authority to protect water quality through provisions of the Porter-Cologne Water Quality Control Act through application for or waiver of waste discharge requirements.

California Fish and Game Code

Native Plant Protection Act

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

Birds of Prey

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

Sensitive Vegetation Communities

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

Species of Special Concern

Species of special concern are broadly defined as animals not listed under the California ESA, but which are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologists, and others, and is intended to focus attention

3.3 Biological Resources

on the species to help avert the need for listing under the California ESA and recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species and to focus research and management attention on them. Although these species generally have no special legal status, they are given special consideration under CEQA during project review. Species of special concern are included in the list of Special Animals List tracked by the CNDDDB.

Porter-Cologne Water Quality Control Act

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

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

Lake and Streambed Alteration Program

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

Natural Community Conservation Planning Act

The Natural Community Conservation Planning Act (1991) is aimed at conservation of natural communities at the ecosystem scale while allowing for compatible land uses. The CDFW is primarily responsible for implementation of the act, which is intended to allow comprehensive

protection and management of wildlife species and provides for regional protection of natural wildlife diversity while allowing appropriate land development.

California Native Plant Society Rare or Endangered Plant Species

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

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

Local

Multiple Habitat Conservation Program

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

City of Encinitas Draft Subarea Plan

The City’s Draft Subarea Plan addresses how the City would conserve natural biotic communities and sensitive plant and wildlife species under the MHCP framework. The Draft Subarea Plan would provide regulatory certainty to landowners in the City and aid in conserving the region’s biodiversity and enhancing the quality of life. The Draft Subarea Plan addresses potential impacts

3.3 Biological Resources

to natural habitats and rare, threatened, or endangered species caused by development planned within the City. The Draft Subarea Plan also forms the basis for Implementing Agreements, which act as legally binding agreements between the City and the wildlife agencies that ensure implementation of the Subarea Plan and provide the City with state and federal take authority.

City of Encinitas General Plan

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

Resource Management Element

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

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

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

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

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

Policy 10.1: The City will minimize development impacts on coastal mixed chaparral and coastal sage scrub environmentally sensitive habitats by preserving within the inland bluff and hillside systems, all native vegetation on natural slopes of 25 percent grade and over other than manufactured slopes. A deviation from this policy may be permitted only upon a finding that strict application thereof would preclude any reasonable use of the property

(one dwelling unit per lot). This policy shall not apply to construction of roads of the City's circulation element, except to the extent that adverse impacts on habitat should be minimized to the degree feasible.

Policy 10.5:

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

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

Policy 10.6:

The City shall preserve and protect wetlands within the City's planning area. "Wetlands" shall be defined and delineated consistent with the

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

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

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

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

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

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

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

City of Encinitas General Plan Housing Element 2019

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

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

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

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

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

STANDARDS OF SIGNIFICANCE

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

Thresholds of Significance

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

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.
- Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- 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.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

PROJECT IMPACTS AND MITIGATION

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

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

Results of the 2022 focused rare plant surveys identified four special-status plant species (California adolphia, wart-stemmed ceanothus, Engelmann oak, and ashy spike-moss) within the project area and its 100-foot buffer; refer to Figure 3.3-3, Biological Survey Results - Plants. Based on the Development Area boundaries, the project would directly impact 154 California adolphia individuals, nine of which occur within the FMZ. California adolphia has a CRPR rating of 2B.1. In addition, direct project-related impacts would remove 0.02 acre of occupied California adolphia habitat. Indirect impacts to rare or special-status plant species may occur due to habitat degradation and increased dust if present in the areas adjacent to the Development Area. The project has potential to indirectly impact 26 individuals of California adolphia, 1 wart-stemmed ceanothus, and 1 Engelmann oak if mitigation measures are not enacted. Both wart-stemmed ceanothus and Engelmann oak are covered by the MHCP and Draft SAP and have a CRPR rating of 2B.2 and 4.2 respectively. Impacts to rare plant species would be reduced to less than significant with the implementation of mitigation measures [BIO-1, BIO-2, BIO-3A to BIO-3B, BIO-5, BIO-6, BIO-7, and BIO-9](#)~~BIO-3, BIO-4, and BIO-7.~~

As discussed previously, the results of the literature review and reconnaissance-level survey identified five special-status wildlife species present (monarch butterfly, orange-throated whiptail, coastal California gnatcatcher, Cooper's hawk, and San Diego desert woodrat), one species (southern California rufous crowned sparrow) was found to have a high potential to occur, and six species (southern California legless lizard, coastal whiptail, coast patch-nosed snake, Bell's sage sparrow, San Diego black-tailed jackrabbit, and northwestern San Diego pocket mouse) were found to have a moderate potential to occur (ECORP 2022). Refer also to Figure 3.3-4, Biological Survey Results - Wildlife.

If present, direct impacts to rare or special-status wildlife species may occur as a result of project in the form of mortality or injury due to ground-disturbing and vegetation removal activities within the Development Area. Indirect impacts to rare or special-status wildlife species may occur due to habitat degradation, edge effects, construction noise, and other associated construction activities if present in the areas adjacent to the Development Area. Impacts to special-status

3.3 Biological Resources

wildlife species would be reduced to less than significant with implementation of mitigation measures **BIO-1**, **BIO-2**, **BIO-4A to 4E**, **BIO-5**, **BIO-6**, **BIO-7**, and **BIO-9** ~~**BIO-3**, **BIO-6**, and **BIO-7**~~.

Additionally, migratory birds and raptors have the potential to nest and forage on and around the project site due to the presence of on-site vegetation and infrastructure (e.g., utility poles and existing buildings) adjacent to the project site. As such, the potential for project construction activities to indirectly affect migratory bird or raptor nesting cycles within and adjacent to the project site does exist. Such impacts would be considered potentially significant.

To reduce project effects, mitigation measure **BIO-5** would be implemented to require the project applicant to conduct a preconstruction survey for nesting birds and special-status avian species prior to the start of ground-disturbing activities. Since several bird species that nest year round were identified as having potential to occur on-site, regardless of time of year, preconstruction surveys for nesting birds and special-status avian species would be conducted if activities with the potential to disrupt these species are scheduled to occur. If active nests are identified in the construction area, a non-disturbance buffer (typically 300 feet for songbirds and 500 feet for raptors) would be established limiting construction activities within those areas. Impacts to special-status bird species would be less than significant with implementation of mitigation measure **BIO-5**.

The project provides nesting and foraging habitat for the federally listed threatened coastal California gnatcatcher. This species was observed within both the project site and the off-site preserve area during the reconnaissance survey. Focused protocol-level surveys determined two pairs occupying the project site, one territorial male occupying the preserve area south of Sky Loft Road, and two pair mostly within the 500-foot buffer east of the preserve area and north of Sky Loft Road. Direct impacts resulting from the project could occur to the coastal California gnatcatcher in the form of vegetation removal, and the loss of occupied Critical Habitat. Indirect impacts could occur to the species in the form of noise, ground vibrations, habitat degradation, increased human and pet activity and visual disturbances, and dust. The primary reasons for coastal California gnatcatcher population decline are habitat loss, degradation, and fragmentation due to urban development of coastal sage scrub habitats. Properties located in the Coastal Zone shall conserve a minimum of 75 percent of the coastal California gnatcatchers on-site. Conservation of gnatcatchers shall be determined in consultation with the wildlife agencies (ECORP 2022).

Impacts to coastal California gnatcatcher would be significant under CEQA. With implementation of mitigation measures **BIO-1**, **BIO-2**, **BIO-4A to BIO-4E** ~~**BIO-3**~~, and **BIO-5** to **BIO-9**, impacts would be reduced to less than significant.

Additionally, the project site provides only low-quality habitat for the federally listed endangered and state species of special concern Pacific pocket mouse. Focused survey results for this species were negative. Therefore, there would be no impact to this species due to project implementation (ECORP 2022).

Implementation of mitigation measures **BIO-1** through **BIO-9** would reduce the potential for the project to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Impacts would be **less than significant with mitigation incorporated**.

Mitigation Measures:

BIO-1 On- and Off-site Preservation of Sensitive Habitat. The majority of preservation goals and required mitigation ratios for impacted vegetation communities (see Tables 3-3, 4-1, and 6-1 of the Biological Technical Report; ECORP Consulting, Inc., November 2022) shall be met through establishment of the on-site and off-site adjacent preserve area. Prior to grading, establishment of the preserve area shall preserve in place 5.51 acres (on-site/off-site), including 100% (0.71-acre) of California Department of Fish and Wildlife sensitive Diegan Coastal Sage Scrub/Lemonade Berry Scrub and 72% (0.81-acre) of California Department of Fish and Wildlife sensitive Southern Mixed Chaparral/Chamise-Mission Manzanita Chaparral (Table 3-4 of the Biological Technical Report; ECORP Consulting, Inc., November 2022). Preservation in perpetuity of the vegetation and habitat within the aforementioned preserve area shall occur and be set aside as an open space conservation easement in favor of the City of Encinitas. No trails shall be permitted within the open space conservation easement. In addition, prior to any grading, a long-term management plan shall be prepared for the mitigation areas, to the satisfaction of the City; and the wildlife—Wildlife Agencies. The preserve management plan shall provide an entity and endowment funding to maintain the biological open space in perpetuity. Such entity shall approve the endowment amount based on a Property Analysis Record or similar cost estimation method. Additionally, the long-term management plan shall include provisions stating that any planting stock planned to be brought onto the project site shall first be inspected by a qualified pest inspector to ensure that it is free of pest species that could invade natural areas of the adjacent preserve area. Stock determined to be infested with pests shall be quarantined, treated, or disposed of according to best management practices provided by the pest inspector to prevent invasions into the adjacent preserve area.

All permanent lighting for the project adjacent to the preserve area shall be directed away from the preserve area, and lighting from the proposed residences adjacent to the preserve area shall be shielded with vegetation, as necessary.

BIO-2

Biological Monitoring. A qualified biologist (biological monitor) with experience monitoring for and identifying sensitive biological resources known to occur in the area shall be present during all staging, fencing, site preparation, vegetation clearing, and ground-disturbing activities related to the project ~~regardless of permit association~~ to the satisfaction of the City, permit requirements, and other environmental commitments made.

~~A biological monitor shall be present to ensure wildlife species are relocated out of the impact area.~~ The biological monitor, with assistance from crews when necessary, shall ~~also~~ deconstruct woodrat middens prior to vegetation clearing within the Development Area. Woodrat middens within the Fire Management Zone shall be protected in place to the maximum extent practicable, but may be deconstructed if deemed a fire hazard.

Biological monitoring duties include, but are not limited to, conducting worker education training, verifying compliance with the project's biological resources protection requirements, and periodically monitoring the work area to ensure that work activities do not generate excessive amounts of dust and that impacts are restricted to the designation work areas. ~~ensuring project activities stay within designated work areas. The biologist~~ The biological monitor shall be responsible for providing a Worker Environmental Awareness Training program with required elements to the project prior to the start of staging and construction activities, and be responsible for verifying that the Worker Environmental Awareness Training program has been provided to all personnel working on the project prior to the start of staging or construction activities. ~~to all personnel working on the project prior to the start of ground-disturbing activities.~~ The training shall include: (i) the purpose for resource protection; (ii) a description of the gnatcatcher and its habitat; (iii) the compliance measures that should be implemented during project construction to conserve the sensitive resources, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); (iv) best management practices developed specifically for this project; (v) the protocol to resolve conflicts that may arise at any time during the construction process; and (vi) the general provisions of the environmental regulations that apply to the project, the need to adhere to the provisions of the Endangered Species Act, and the penalties

associated with noncompliance with the Act and other regulations. The project shall maintain documentation on the implementation of The Worker Environmental Awareness Training. This documentation shall include education program materials and a record of workers that received the materials and information~~but not be limited to, discussions of the sensitive biological resources associated with the project, project-specific measures to avoid or eliminate impacts to these resources, consequences for not complying with project permits and agreements, and contact information for the lead biologist. Attendees shall sign a sign-in sheet documenting their attendance at the training.~~

During ground-disturbing activities, including any vegetation removal within the Development Area and Fire Management Zone, the biological monitor shall have the right to halt all activities in the area affected if a special-status wildlife species is identified in a work area and is in danger of injury or mortality. If work is halted in the area affected as determined by the biological monitor, work shall proceed only after the hazard(s) to the individual is removed and the animal is no longer at risk, or the individual has been removed from harm's way in accordance with the project's permits and/or management/translocation plans. The biological monitor shall take representative photographs of the ~~daily-monitored~~ activities and maintain a ~~daily-monitoring~~ log that documents general project activities and compliance with the project's biological resources protection requirements. The biologist shall document non-compliances in the ~~daily~~ log, including any measures that were implemented to rectify the issue.

In order to ensure that the biological monitoring occurred during the grading phase of the project, a final biological monitoring report shall be prepared. The project biologist shall prepare the final biological monitoring report. The report shall substantiate the supervision of the grading activities, and confirm that grading or construction activities did not impact any additional areas or any other sensitive biological resources.

The report shall include the following items:

- a. Photos of the fencing or temporary flagging that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.

The project biologist shall prepare the final report and submit it to the City for review and approval.

BIO-3A

Rare Plant Salvage and Avoidance. Establishment of the off-site preserve area (~~m~~Mitigation ~~m~~Measure **BIO-1**) shall result in avoidance and protection of 103 California adolphia in place. Nine California adolphia individuals identified within the fuel modification zone~~FMZ~~ shall be flagged prior to fuel reduction activities and avoided in place. Project-related impacts to 145 California adolphia individuals and 0.02-acre of California adolphia occupied habitat are anticipated to be unavoidable, therefore salvage of seed and donation to a City refuge or preserve, donation to a local native plant nursery, or propagation within an off-site mitigation area shall be required to the satisfaction of the City. A qualified biologist shall collect seed from the California adolphia during the appropriate time, store under appropriate conditions, and coordinate with the appropriate personnel to facilitate propagation of the seed. California adolphia individuals within the fuel modification zone (9 individuals) shall be flagged for avoidance by a qualified botanist prior to development and thinning of the fuel modification zone and a qualified botanist shall be present during vegetation thinning of the fuel modification zone to ensure avoidance is properly achieved. ~~Run-off from the project shall be directed away from the off-site preserve area.~~ Dust control measures shall be implemented during construction to minimize impacts to rare plants within the adjacent preserve area. (see mitigation measure **BIO-1**) as an ongoing requirement for long-term maintenance activities associated with the project, including annual maintenance of the fuel modification zone.

BIO-3B

Project Landscaping Best Management Practices. Project landscaping shall be limited to the development area and shall not include nonnative plant species that may be invasive to adjacent native habitats. The California Invasive Plant Council's (IPC) "Invasive Plant Inventory" list shall be consulted to determine such nonnative plant species that are not to be included in project landscaping. Project landscaping adjacent to the preserve area shall not include species that require intensive irrigation, fertilizers, or pesticides, and run-off from the project shall be directed away from the offsite preserve area. The Applicant shall submit a draft list of species to be included in the landscaping to the Service at least 45 working days prior to initiating project landscaping and will allow the US Fish and Wildlife Service an opportunity to verify that no Cal-IPC invasive plants are proposed for use. The Applicant shall submit to the US Fish and Wildlife Service the final list of species to be included in the landscaping within 30 days of receiving concurrence on the draft list of species, if any changes are necessary. A list of prohibited

invasive species shall also be provided in the Homeowner Association's Covenants, Conditions, and Restrictions to the satisfaction of the US Fish and Wildlife Service.

BIO-4A Coastal California Gnatcatcher Protection and Pre-Construction Breeding Season Surveys. Focused surveys determined presence of this species on the project site. Project-related impacts to two pairs (4 individuals) and their territories are unavoidable, therefore the project applicant shall obtain US Fish and Wildlife Service **FWS** approval pursuant to Section 10 of the federal Endangered Species Act for the impacts to the coastal California gnatcatcher prior to the issuance of any grading permits. The on-site preservation of sensitive habitat (see mitigation measure **BIO-1**) would preserve one single male coastal California gnatcatcher territory in place and a small portion of one additional breeding pair's territory. The preserve area would allow for the safe passage of the two displaced pairs of coastal California gnatcatchers to preserved habitat north of the project site and continuous with open space areas to the north, northeast (which includes at least one additional breeding pair of coastal California gnatcatchers within 500 feet of the off-site preserve area), and to Batiquitos Lagoon State Marine Conservation Area which functions to preserve important coastal-inland wildlife movement. If construction activities are planned within 500 feet of coastal sage scrub habitat during gnatcatcher breeding season, at least three pre-construction surveys shall be conducted a maximum of seven days prior to construction activities, one of which is to be performed the day immediately before beginning construction activities. The project shall require development of a Low-Effect Habitat Conservation Plan under Section 10 of the Endangered Species Act.

BIO-4B Construction Best Management Practices. During construction, best management practices shall be implemented to minimize impacts to the coastal California gnatcatcher and avoid attracting its predators. The project site shall be kept clear of debris, including food-related trash items, and pets of project personnel shall not be permitted on the project site.

BIO-4C Coastal California Gnatcatcher Compliance Monitoring. Due to the displacement of two pairs of coastal California gnatcatchers and the presence of suitable breeding habitat adjacent to the development, weekly compliance monitoring surveys shall be conducted by a 10(a)(1)(A) permitted gnatcatcher biologist throughout the coastal California gnatcatcher nesting season (February 15 to August 31) when initial vegetation removal, fence installation activities, and heavy construction activities are scheduled to occur within 500 feet of the preserve area(s) in order to avoid unanticipated impacts to this federally listed species

3.3 Biological Resources

during the breeding season. Should an active coastal California gnatcatcher nest (e.g., nest with eggs or potential to hold eggs within one week, chicks, or fledglings still dependent on the nest) be found to occur within 500 feet of the project impact area, the Project Biologist shall establish a 500-foot buffer around the nest and will visibly flag the limits of the nest buffer in areas that overlap the project impact area. The contractor shall be immediately notified to stop work within the buffer and/or shift heavy construction activities to areas outside the 500-foot buffer until US Fish and Wildlife Service has been notified and noise monitoring measures below (mitigation measure **BIO-4D**) have been implemented.

Nest updates shall occur on a weekly basis to update the nest status (active/inactive) and stage (incubation, nestlings, etc.). If no nesting behavior is observed after two hours of continuous observation and the 10(a)(1)(A) permitted gnatcatcher biologist has significant reason to believe that the nest is no longer active, the nest shall be approached to determine the state of the nest. Binoculars shall be used to the greatest extent practical to confirm gnatcatchers are no longer exhibiting breeding behaviors or tending to the nest prior to approaching the nest directly to determine the nest's fate. The Project Biologist shall use the distance to the project impact area and local topography to determine if construction activities are likely to significantly disturb nesting activities. The Project Biologist shall implement further measures to alleviate disturbance, including establishment of a noise monitoring station, turning off vehicle engines and other equipment whenever possible to reduce noise, recommendations for deployment of a temporary sound/visual barrier, and, if minimization measures are insufficient, temporarily halting construction activities within 500 feet during critical nest stages when abandonment is most likely to occur (i.e., egg incubation). During this time, construction activities shall be directed to other areas farther than 500 feet from the active nest(s). Unrestricted construction activities may resume, with weekly compliance monitoring as described above, when the nest is deemed no longer active and no other active nests are found within 500 feet of the impact area.

BIO-4D Coastal California Gnatcatcher Noise Monitoring. Construction noise levels shall not exceed an hourly limit of 60 A-weighted decibel units (dBA) equivalent noise level or ambient level (whichever is greater) when construction is within 500 feet of an active nest. Noise monitoring shall be conducted daily when construction activities are scheduled to occur within 500 feet of an active coastal California gnatcatcher nest. Noise levels shall be monitored by a qualified biological monitor under the authority of the 10(a)(1)(A) permitted gnatcatcher biologist at a pre-

established noise meter station that has been selected by the 10(a)(1)(A) permitted gnatcatcher biologist (no closer than 30 feet from the nest and that replicates the distance, topography, and vegetative screening of the nest location in proximity to the project impact area). Measurements of noise levels shall be conducted in 1 minute intervals for at least 60 minutes per each measurement. Results of the noise monitoring shall be documented in the daily monitoring log and charted in a graph. Construction activities that exceed the 60-dB hourly threshold shall be halted by the noise monitor until effective noise reduction measures have been implemented or until the nest is deemed no longer active by the Project Biologist.

BIO-4E Coastal California Gnatcatcher Resident Education Program. Prior to occupation of the project site, a resident education program shall be developed to advise residents of the occurrence of coastal California gnatcatchers in the project area how to prevent adverse impacts to gnatcatchers resulting from insect pests or free-roaming pets; and potential penalties for killing, injuring, or harming the species. Informational pamphlets shall be distributed to each residence. The Applicant shall develop the resident education program in coordination with the US Fish and Wildlife Service as part of the Low-Effect Habitat Conservation Plan and Section 10 consultation process.

BIO-5 **Pre-Construction Survey for Nesting Birds and Special-Status ~~Avian~~ Species.** Where feasible, ground-disturbing activities, including vegetation removal, shall be conducted during the non-breeding season (approximately September 1 through ~~January~~ February 14) to avoid violations of the Migratory Bird Treaty Act and California Fish and Game Code §§3503, 3503.5 and 3513. Several species were identified as having potential to occur nest year-round; therefore, regardless of time of year, a pre-construction survey for nesting birds and special-status ~~avian~~ species shall be conducted by a qualified biologist (experienced in the identification of special-status avian species and conducting nesting bird surveys) if activities with the potential to disrupt nesting birds or impacting special-status avian species are scheduled to occur. The survey shall include the project and adjacent areas where project activities have the potential to cause nest failure or directly impact native wildlife. The pre-construction survey shall be conducted no more than three days prior to the start of ground-disturbing activities (including vegetation removal and fuel modification zone thinning) and repeated as necessary whenever these activities are scheduled to occur within the bird breeding season (February 15 through August 31 annually). ~~within the bird breeding season.~~ Site preparation and construction activities may begin if no

3.3 Biological Resources

nesting birds or special-status ~~avian~~ species are observed during the survey. If nesting birds or raptors or special-status ~~avian~~ species are found to be present, biological monitoring in accordance with mitigation measure **BIO-3-2** in addition to nest avoidance and minimization measures shall be implemented to avoid potential project-related impacts to the species. Avoidance and minimization measures shall be developed by the qualified biologist and may include seasonal work restrictions, additional nesting bird survey and nest monitoring requirements, and/or establishment of non-disturbance buffers around active nests until the biologist has determined that the nesting cycle is completed. The width of non-disturbance buffers established around active nests shall be determined by the qualified biologist (typically 300 feet for songbirds and 500 feet for raptors and listed species). The qualified avian biologist shall consider and have the authority to reduce or increase non-disturbance buffers based on vertical distances, species life history, sensitivity to disturbances, individual behavior and sensitivity to disturbances, nest stage (incubation, feeding nestlings, etc.), location of nest and site conditions, presence of screening vegetation or other features, ambient and ongoing construction activities at the time of nest establishment, and remaining project activities in the immediate area when determining non-disturbance buffers. Once nesting is deemed complete by the qualified biologist as determined through periodic nest monitoring, the non-disturbance buffer shall be removed by the qualified biologist and project work may resume in the area. The Pre-Construction Nesting Bird Survey shall be an ongoing requirement for long-term maintenance activities associated with the project, including annual maintenance of the fuel modification zone.

- BIO-6** **Construction Fencing.** The limits of project impacts (including construction staging areas and access routes) shall be clearly delineated by the construction contractor under the direct supervision of a qualified biological monitor with bright orange plastic fencing, stakes, flags, or markers that shall be installed in a manner that does not impact habitats to be avoided, and such that they are clearly visible to personnel on foot and operating heavy equipment. Silt fence barriers shall be installed as required to prevent the spread of silt from the construction zone into adjacent habitats and aquatic features. Temporary construction fencing and markers shall be maintained in good repair until the completion of project construction. The applicant shall submit the final plans for project construction to the City for approval at least 30 days prior to initiating project impacts. [The applicant shall also submit to the US Fish and Wildlife Service, at least 5 working days prior to initiating project impacts, the final plans for initial vegetation clearing](#)

and project construction. These final plans shall include photographs that show the fenced limits of impact and areas to be impacted or avoided.

The construction team shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced area (development footprint). All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas within the fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering adjacent open space and shall be shown on the construction plans. Equipment fueling shall take place within existing disturbed areas. Contractor equipment shall be checked for leaks prior to operation and repair, as necessary. "No-fueling" zones shall be designated on construction plans. If work occurs beyond the fenced limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the US Fish and Wildlife Service. Temporary construction fencing and sediment trapping devices shall be removed upon project completion.

BIO-7 Off-site Mitigation. Prior to any grading, off-site mitigation shall be required for an additional 1.92 acres of impacts to sensitive and/or mitigated habitats not achieved within the preserve area including 1.60 acres of coastal sage scrub within the Coastal Zone and 0.32 acre of Southern Mixed Chaparral/Chamise-Mission Manzanita Chaparral. This can be achieved through purchasing of mitigation credits or acquiring additional land within the Coastal Zone. Because available land and established mitigation banks within the Coastal Zone are not available, and because the City of Encinitas Subarea Plan is still in draft form, purchasing of mitigation credits within a North County Multiple Habitat Planning Area mitigation bank (<https://www.sandiegocounty.gov/content/sdc/pds/mitbnks.html>) or at another City-approved preserve area in the process of being established shall be negotiated to the satisfaction of the City, California Department of Fish and Wildlife, and US Fish and Wildlife Service.

BIO-8 Limited Building Zone Easement. A Limited Building Zone Easement shall be granted to prohibit the building of structures that would require vegetation clearing within the protected biological open space for fuel management purposes. The easement must extend at least 100 feet from the Biological Open Space Boundary.

Grant to the City of Encinitas a limited building zone easement to the satisfaction of the City. The only exceptions to this prohibition are structures that do not

3.3 Biological Resources

require fuel modification/vegetation management. The limited building zone easement shall also include language that rare plant avoidance within the limited building zone shall be required by requiring a biologist on site prior to any fuel management activities.

Prior to recordation of the Final Map, the applicant shall show the easement on the Final Map with the appropriate granting language on the title sheet concurrent with Final Map review.

BIO-9 **Open Space Signage.** In order to protect the proposed open space easement from entry, or disturbance, permanent fencing and signage shall be installed along the easement boundary as follows. Such fencing and signage shall be installed prior to any occupancy, final grading release, or use of the premises in reliance of the approved project permit.

Open space signage shall be placed every 500 feet along the southern and western portion of the biological open space boundary.

- Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
- The sign must be corrosion resistant, a minimum of 6 inches by 9 inches in size, on posts not less than three feet in height from the ground surface, and must state the following:

Sensitive Environmental Resources Area Restricted by Easement

Entry without express written permission from the City of Encinitas is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the City of Encinitas, Development Services Department.

Reference: MULTI-005158-2022

The applicant shall install the signage as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space signage has been installed at the open space easement boundary.

The City of Encinitas Development Services Department shall review the photos and statement for compliance with this condition.

Level of Significance: Less than significant with mitigation incorporated.

HAVE A SUBSTANTIAL ADVERSE EFFECT ON RIPARIAN HABITAT OR SENSITIVE NATURAL COMMUNITY

Impact 3.3-2 The project would have a potentially substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service. Impacts would be less than significant with mitigation incorporated.

The project site supports coastal sage scrub and chaparral vegetation communities, which are considered sensitive by the city, county, and state agencies. The site does not contain riparian habitat. Additionally, there are no Coastal Act designated Environmentally Sensitive Habitat Areas (ESHA) on site.

As the proposed off-site preserve area would be left in its current state and preserved as open space, no impacts to riparian habitat or other sensitive natural community would occur. Table 3.3-2 provides the anticipated impact acreages of vegetation communities and land cover types resulting from the project.

Table 3.3-2: Impact Acreages of Vegetation Communities and Land Cover Types within the Project Site

Oberbauer Vegetation Communities	MCV Vegetation Communities	Development Area (Impact) (Acres)			Development Area (Impact) Total (Acres)	Required Mitigation Ratio	Total (Acres)
		Site	Off-site Improvements	FMZ			
Diegan Coastal Sage Scrub (32500)	California Sagebrush – California Buckwheat Scrub	0.77	0.16	-	0.93	2:1	1.86
Southern Mixed Chaparral (37120)	Chamise-Mission Manzanita Chaparral ¹	0.65	<0.01	0.48	1.13	1:1	1.13
Coastal Scrub (32000)	Deerweed Scrub	1.38	0.06	-	1.44	2:1	2.88
Disturbed	Disturbed	2.96	0.27	0.05	3.28	-	3.28
Total					6.78	-	9.15

¹Sensitive vegetation community

²Excludes San Diego Gas and Electric (SDG&E) easement

Notes: MCV = Manual of California Vegetation; FMZ = Fuel Modification Zone

Source: ECORP 2022 (see Appendix D).

Direct impacts could occur to three vegetation communities: Diegan coastal sage scrub/California - California buckwheat scrub, coastal scrub/deerweed scrub, and southern mixed chaparral/chamise-mission manzanita chaparral. Of these, Southern mixed chaparral/chamise-mission manzanita chaparral is the only sensitive natural community that would be impacted; however, all three communities have specific mitigation ratios according to the MHCP and Draft

3.3 Biological Resources

SAP (ECORP 2022). Furthermore, the project could indirectly impact additional acreages of Diegan coastal sage scrub/California sagebrush – California buckwheat scrub and southern mixed chaparral/chamise-mission manzanita chaparral if mitigation measures are not employed. Both communities have specific mitigation ratios according to the MHCP and Draft SAP (ECORP 2022). Impacts to sensitive and/or mitigated natural communities would result from the development of the project within the proposed development area, which includes the residential use and amenity development area (on-site impacts), off-site improvements required by the City adjacent to the property along Piraeus Street and Plato Place (off-site impacts), and the associated FMZ. Such impacts are considered significant and mitigation is required. Implementation of mitigation measures **BIO-1, BIO-2, BIO-3A to BIO-3B, and BIO-6 7, BIO-8, and to BIO-9** would reduce such impacts to a **less than significant level**.

Table 3.3-3: Summary of Existing Sensitive Natural Communities, Impacts, and Mitigation

General Habitat Type	Preserve Area ¹ (Acres)		Development Area (Acres)	Total ¹ (Acres)	Mitigation Ratio Required	Percent Conserved ²	Mitigation Ratio Achieved?	Total
	On-Site	Off-site Adjacent						
Coastal Sage Scrub ^{2,3}	3.14	-3.14	2.37	5.51	2:1	57	No	-1.60
Chaparral	0.56	0.25	1.13	1.95	1:1	42	No	-0.32
TOTAL	30.56 70	0.25 3.39	3.50	7.45	--	53	--	-1.92

Source: ECORP 2022 (see Appendix D).

¹ Preserve area and total acreage does not include 0.02 acre SDG&E easement.

² California Coastal Commission requires conservation of 67 percent of coastal sage scrub for properties within Coastal Zone.

³ Includes Diegan coastal sage scrub and coastal scrub

Implementation of mitigation measures as indicated above would reduce the potential for the project to have a substantial adverse effect on any sensitive natural community identified in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Impacts would be **less than significant with mitigation incorporated**.

Mitigation Measures: Implement mitigation measures **BIO-1, BIO-2, BIO-3A to BIO-3B, and BIO-76 to ,BIO-8 and BIO-9**.

Level of Significance: Less than significant with mitigation incorporated.

HAVE A SUBSTANTIAL ADVERSE EFFECT ON WETLANDS

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

The project site does not support any state or federally protected wetlands (i.e., marsh, vernal pool, or coastal). There are no jurisdictional wetlands and/or waterways in the project area that would be affected by direct removal, filling, or hydrological interruption during the project construction phase. One detention basin mapped as freshwater pond, freshwater emergent wetland, and riverine habitat occurs northwest of the off-site preserve area. Estuary and marine wetlands are located north of the project site, north of La Costa Avenue within the Batiquitos Lagoon State Marine Conservation Area. However, these off-site areas would not be affected with project development as proposed (ECORP 2022).

As indicated in Section 3.8, Hydrology and Water Quality, of this EIR, stormwater runoff would be treated and stored on-site via the proposed biofiltration basin located along Plato Place, prior to being conveyed to the existing storm drain system along Piraeus Street. Runoff from the site would therefore not adversely affect any off-site wetlands or waterbodies located on adjacent lands.

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

Mitigation Measures: None required.

Level of Significance: Less than significant.

INTERFERE SUBSTANTIALLY WITH THE MOVEMENT OF ANY NATIVE RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES OR WITH ESTABLISHED NATIVE RESIDENT OR MIGRATORY WILDLIFE CORRIDORS

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

Overall, the project site does not function as a wildlife corridor; however, the preserve area does function as a significant ecological area of open space habitat. The project site is located within

3.3 Biological Resources

a softline FPA area, which means the area is biologically significant and projects in this area are subject to higher scrutiny in order to adhere to and achieve the goals set forth in the MHCP and Draft Encinitas Subarea Plan. Development of the project could encroach on important habitat, which would block the movements of wildlife within their natural range. The project would be required to adhere to the relevant adjacency guidelines under Section 4.2.2, Land Uses Planned Adjacent to the Preserve, of the Draft Encinitas Subarea Plan related to drainage and toxics; erosion and sedimentation; lighting; barriers; landscaping restrictions; and fire and brush management. Adherence to existing guidelines would minimize potential impacts to the significant ecological area. Additionally, mitigation measure **BIO-1** would require the applicant to preserve the sensitive habitat in the off-site preserve area to the north of the project site.

Migratory birds and raptors have the potential to nest and forage on and around the project site due to the presence of on-site vegetation and infrastructure (e.g., utility poles and existing buildings) adjacent to the project site. Mitigation measure **BIO-5** would require the project applicant to conduct a preconstruction survey for nesting birds and special-status avian species prior to the initiation of ground-disturbing activities.

The project site also provides suitable nesting and foraging habitat for the federally listed threatened coastal California gnatcatcher. Implementation of mitigation measures **BIO-1**, **BIO-2**, **BIO-4A to BIO-4E**, ~~**BIO-3**~~ and **BIO-5 to BIO-9** would be required to reduce potential impacts to this species to less than significant.

Therefore, the project would have potential to interfere with the movement of native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors. Adherence to existing guidelines under the Draft Encinitas Subarea Plan and implementation of mitigation measures **BIO-1**, **BIO-2**, **BIO-4A to BIO-4E**, ~~**BIO-3**~~ and **BIO-5 to BIO-9** would be required. Impacts would be **less than significant with mitigation incorporated**.

Mitigation Measures: Implement mitigation measures **BIO-1**, **BIO-2**, ~~**BIO-4A to BIO-4E**~~, ~~**3**~~ and **BIO-5 to BIO-9**.

Level of Significance: Less than significant with mitigation incorporated.

CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES

Impact 3.3-5 **The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. No impact would occur.**

The planting, maintenance, and removal of public and mature trees within the public right-of-way or on public property are regulated by the City's General Plan Resource Management Element (Policies 3.1, 3.2, and 3.6) and Chapter 15.02 of the City's Municipal Code. As stated

under Policy 3.1, mature trees of community significance cannot be removed without City authorization.

As discussed in the Existing Conditions subsection above, there are no large trees present within the development area of the project site. Any off-site improvements for access would occur within the existing right-of-way and would not require the removal of any mature trees (e.g., within a median). As such, no public or mature trees would be removed as part of the project. The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. **No impact** would occur in this regard.

Mitigation Measures: None required.

Level of Significance: No impact.

CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN

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

The project site is located within the areas covered by the MHCP and Draft Encinitas Subarea Plan. The MHCP serves as an umbrella document to guide the preparation of subarea plans by each participating city and does not itself receive any permits. To be approved, subarea plans must be consistent with the conservation and policy guidelines of the MHCP. Although the Encinitas Subarea Plan is still in draft form, guidelines should be followed as it is planned to be finalized in the future and projects will need to adhere to commitments made in the MHCP. As previously discussed, the project would be required to adhere to the relevant adjacency guidelines under Section 4.2.2, Land Uses Planned Adjacent to the Preserve, of the Draft Encinitas Subarea Plan related to drainage and toxics; erosion and sedimentation; lighting; barriers; landscaping restrictions; and fire and brush management. Adherence to existing guidelines would ensure that the project would be consistent with the MHCP.

Therefore, with adherence to the existing relevant guidelines of the Draft Encinitas Subarea Plan, the project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. Adherence to existing guidelines under the Draft Encinitas Subarea Plan and implementation of mitigation measures BIO-1 through BIO-9 would be required. Impacts would be **less than significant** with mitigation incorporated.

Mitigation Measures: ~~None required~~ [Implement mitigation measures BIO-1 through BIO-9-](#).

Level of Significance: Less than significant [with mitigation incorporated](#).

CUMULATIVE IMPACTS

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

Geographic Scope

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

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

Potential Cumulative Impact

Encinitas is an urbanized city surrounded by other urbanized cities. The protection of biological resources in the City is generally enforced through the City of Encinitas Draft Subarea Plan. The Draft Subarea Plan addresses how the City would conserve natural biotic communities and sensitive plant and wildlife species under the larger MHCP framework. As stated under Impact 3.3-6, the project site is located within the boundaries of the Draft Subarea Plan. Additionally, the project site contains suitable habitat for special-status plant and wildlife species, including coastal California gnatcatcher. No wetlands or riparian habitat are present on the project site.

Cumulative projects located within the City's Draft Subarea Plan area would be subject to the goals and policies outlined in the plan, and would be required to implement mitigation measures if a significant impact would occur as a result of project implementation. As such, direct and indirect effects to special-status species would be evaluated on a case-by-case basis.

Project impacts would be limited to construction impacts on coastal sage scrub and chaparral vegetation communities within the development area, and special-status plant and wildlife species, including migratory avian species and coastal California gnatcatcher. Impacts would be reduced to less than significant with implementation of mitigation measures **BIO-1** through **BIO-9**. Therefore, with implementation of the mitigation measures proposed, the project's contribution to a cumulative impact on biological resources would be **less than cumulatively considerable**.

Mitigation Measures: Implement mitigation measures **BIO-1** through **BIO-9**.

Level of Significance: Less than cumulatively considerable.

This page intentionally left blank

Section 3.4 Cultural Resources

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

The analysis in this section is based on the *Archaeological Inventory and Evaluation Report* (2022a; Appendix E) prepared by ECORP Consulting, Inc. (ECORP) and peer reviewed by Michael Baker International and the City of Encinitas. Due to the sensitive and confidential nature of cultural resources, portions of the report have been redacted. The analysis herein is further based on the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018).

ENVIRONMENTAL SETTING

The project site is located in the City of Encinitas, to the east of Piraeus Street and north of Plato Place. The site lies approximately 0.9 miles east of the Pacific Ocean and approximately 0.2 miles south of Batiquitos Lagoon. On-site elevations range from approximately 15 to 175 feet above mean sea level (ECORP 2022b). Undeveloped areas of the project site and to the east of the project site feature coastal sage scrub. A natural drainage exists west of the project site, which is currently developed with Interstate 5.

The underlying geology of the project area has been mapped as the Santiago Formation, dated back to the Middle Eocene (38-48 million years ago). Native geology of the area is categorized into three divisions: arkosic sandstone and conglomerate; gray and brownish gray arkosic sandstone; and gray arkosic sandstone and grit. On-site soils are described as Cieneba coarse sandy loam, Corralitos loamy sand, Gaviota fine sandy loam, Marina loamy coarse sand, and rough broken land (ECORP 2022a).

The potential for buried pre-contact archaeological sites in the project area does exist because of the site’s proximity to the Pacific Ocean and Batiquitos Lagoon. Additionally, the region is recognized to have been in regular use by Native Americans for thousands of years. The drainage located to the west of the site also contributes to this potential as pre-contact archaeological

3.4 Cultural Resources

sites have been identified along perennial and intermittent waterways in the region (ECORP 2022a).

Cultural Resources Inventory Results

Records Search

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

A records search was conducted in February 2022 for the APE and a surrounding one-mile radius at the South Coastal Information Center (SCIC), part of the California Historical Resources Information System (CHRIS) maintained by the Office of Historic Preservation, at San Diego State University. The CHRIS records search determined that 35 previously recorded cultural resources are located within one mile of the project area; refer to Appendix A, Records Search Confirmation, of the *Archaeological Inventory and Evaluation Report*. Resources comprise a mix of habitation/camp sites, shell middens, shell and lithic scatter, lithic and bone tools, a former flower nursery, a log house, a trash pit and building remains, and commercial buildings. A portion of one previously recorded resource (CA-SDI-12130), containing shell middens, lithic scatters, hearth features, and stone tools, is located within the APE (ECORP 2022a).

The National Register Information System did not list any eligible or listed properties within the project area. The nearest National Register properties are located eight miles northwest of the project area in Carlsbad. Resources listed as California Historical Landmarks and by the Office of Historic Preservation were reviewed on February 7, 2022. The nearest listed landmark is #940: Rancho Guajome, located 12 miles north of the project area (ECORP 2022a).

Sacred Lands File Results

The California Native American Heritage Commission (NAHC) identifies, catalogs, and protects Native American cultural resources on private and public lands in California. Cultural resources include graves, cemeteries, and places of special religious or social significance to Native Americans. The NAHC also records the historical territories of state recognized tribes into a database called the Sacred Lands File. A records search of the Sacred Lands File is conducted to ensure that the tribes potentially affected by a project are properly notified and consulted.

A search of the Sacred Lands File was completed by the NAHC and resulted in a negative finding, indicating that no Native American Sacred Lands have been recorded in the study area (ECORP 2022a).

Site Survey and Subsurface Testing Results

A site survey was conducted in March 2022 and subsurface testing was conducted in April 2022. No cultural resources were identified as a result of the site survey or subsurface testing; however, one previously documented cultural resource (Site CA-SDI-12130) was identified during the subsurface testing (refer also to EIR Section 3.4, Cultural Resources). The proposed off-site preserve area is entirely within resource CA-SDI-12130. The western two-thirds of the project site is within resource CA-SDI-12130 (ECORP 2022a).

Tribal Consultation

In conformance with State Assembly Bill (AB) 52, the City of Encinitas sent notification to the Native American tribes identified as previously requesting such notification of development projects within the City on August 24, 2022. These tribes included San Pasqual Band of Mission Indians, Rincon Band of Luiseño Indians, Barona Band of Mission Indians, Jamul Indian Village, and San Luis Rey Band of Mission Indians. [Responses were received from the San Pasqual Band of Mission Indians, Rincon Band of Luiseño Indians, Jamul Indian Village, and San Luis Rey Band of Mission Indians requesting formal consultation with the City under AB 52](#)~~Of the tribes who received such notification, three requested formal government-to-government consultation pursuant to AB 52 to discuss the potential for tribal cultural resources to be located on-site or in the project vicinity.~~

Additionally, on October 21, 2022, ECORP participated in a field meeting with the Tribal Historic Preservation Officer (THPO) for the Rincon Band of Luiseño Indians and the project proponent. The THPO recommended monitoring by a Luiseño tribe during construction due to the overall sensitivity of the area and agreed to a need to pre-designate a reburial location in the event of an unanticipated discovery (ECORP 2022a).

On November 1, 2022, the project proponent participated in a field meeting with a member of the San Luis Rey Band of Mission Indians. The tribal representative indicated that tribal monitoring would be recommended (ECORP 2022a).

~~Consultation with the tribes remains ongoing.~~ Refer to Section 3.13, Tribal Cultural Resources, for additional discussion.

REGULATORY FRAMEWORK

Federal

Archaeological Resources Protection Act

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

Section 106 of the National Historic Preservation Act

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

National Register of Historic Places

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

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

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

- a) That are associated with events that have made a significant contribution to the broad patterns of our history; or*
- b) That are associated with the lives of persons significant in our past; or*
- c) That embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
- d) That have yielded, or may be likely to yield, information important in prehistory or history (36 CFR 60.4).*

State

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

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

Advice on procedures to identify such resources, evaluate their importance, and estimate potential effects is given in several agency publications such as the technical advice series

3.4 Cultural Resources

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

California Register of Historical Resources

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

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

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

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

- Identify cultural resources.
- Evaluate the significance of the cultural resources based on established thresholds of significance.

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

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

Records of Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects described in Section 5097.9 and Section 5097.993 of the Public Resources Code maintained by, or in the possession of, the Native American Heritage Commission, another State agency, or a local agency (GC Section 6254(r)); and

Records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another State agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a State or local agency (GC Section 6254.10).

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

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

California Health and Safety Code Sections 7050.5, 7051, and 7054

California Health and Safety Code Sections 7050.5, 7051, and 7054 collectively address the illegality of interference with human burial remains as well as the disposition of Native American burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction and establishes procedures to be implemented if Native American

3.4 Cultural Resources

skeletal remains are discovered during construction of a project, including the treatment of remains prior to, during, and after evaluation, and reburial procedures.

Local**City of Encinitas General Plan***Resource Management Element*

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

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

Resource Management Element

GOAL 7: The City will make every effort to ensure significant scientific and cultural resources in the Planning Area are preserved for future generations. (Coastal Act/30250)

Policy 7.1: Require that paleontological, historical, and archaeological resources in the planning area are documented, preserved or salvaged if threatened by new development. (Coastal Act/30250)

Policy 7.2: Conduct a survey to identify historic structures and archaeological/cultural sites throughout the community and ensure that every action is taken to ensure their preservation. (Coastal Act/30250/30253(5))

City of Encinitas Municipal Code

Section 30.34.050, Cultural/Natural Resources Overlay Zone, of the City's Municipal Code (Chapter 30.34, Special Purpose Overlay Zones) includes regulations that apply to areas within the Special Study Overlay Zone where site-specific analysis indicates the presence of sensitive cultural, historic, and biological resources, including sensitive habitats. For parcels containing archaeological or historical sites, the Municipal Code requires a site resource survey and impact analysis to determine the significance of, and possible mitigation for, sensitive resources.

IMPACT ANALYSIS AND MITIGATION MEASURES

Thresholds of Significance

The following thresholds of significance are based on CEQA Guidelines Appendix G. For the purposes of this EIR, the project would be considered to have a significant impact on cultural resources if it would:

- Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.
- Disturb any human remains, including those interred outside of formal cemeteries.

PROJECT IMPACTS AND MITIGATION

HISTORICAL RESOURCES

Impact 3.4-1 **The project would have the potential to cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. Impacts would be less than significant with mitigation incorporated.**

As noted above, one previously recorded cultural resource (CA-SDI-12130) was determined to overlap the project site. Subsurface testing was performed in April 2022, with several samples returning evidence of subsurface cultural materials (ECORP 2022a). Through evaluation, the materials identified during the testing program were determined to lack context and do not appear representative of intact deposits.

The presence of several pre-contact archaeological sites nearby suggests that these observances may be residue from Site CA-SDI-12130 that have been relocated and moved out of context. The presence of the newly identified materials has likely been caused by decades of prior ground disturbance on the subject site and in the surrounding landscape. Earthwork associated with construction of I-5 as well as previously recorded slope failures/landslides have undoubtedly impacted site P-37-012130 in the past. Grading and earthwork within the Project Area likely caused any artifacts to no longer remain in their primary (original) context, and therefore, their ability to provide information important to prehistory is limited. Therefore, while these materials have been determined as an extension of historical resource CA-SDI-12130, these cultural materials lack integrity and are not eligible for inclusion in the CRHR or NRHP under Criteria 4/D.

3.4 Cultural Resources

Further, because the auger locations were specifically selected to coincide with planned excavation for the proposed project, the results of the auguring program reflect the potential impact (or lack thereof) to the eligible site. No information exists within any of the sources sought for this study to indicate that the site is eligible under any of the criteria for the NRHP or CRHR. Based on the current evidence, no significant impact would occur to P-37-012130 as a result of project implementation.

ECORP conducted subsurface testing to evaluate the cultural resource using NRHP and CRHR eligibility criteria and found the resource not eligible for listing under any criteria based on archaeological information. ~~Tribal consultation between the City and culturally affiliated tribes is ongoing.~~ No ground disturbance should occur until the lead agencies concur with this finding. Therefore, resource CA-SDI-12130 is not considered a historical resource under CEQA based on archaeological information. Development of the project site as proposed would not cause a substantial adverse change in the significance of a known historical resource pursuant to CEQA Guidelines Section 15064.5.

However, the determination about impacts to tribal cultural resources is being addressed separately by the City. There is the potential that unknown resources on the site may have been obscured by grading, earthwork, or various materials over the years. As the potential exists for unknown historical resources or properties to be present, project construction activities may potentially impact unknown historical sites within the project APE. Implementation of mitigation measures **CR-1** to **CR-3** are proposed to reduce project effects on such unknown historical resources. Impacts would be reduced to **less than significant with mitigation incorporated**.

Mitigation Measures:

CR-1 Cultural Resources Monitoring Program. Prior to the commencement of any ground disturbing activities, a Cultural Resource Mitigation Monitoring Program shall be established 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 meeting the Secretary of the Interior's Professional Qualifications Standards for ~~prehistoric~~ "pre-historic" (i.e., pre-contact) and historic archaeology. Further, a Native American monitor from ~~a~~ each tribe that is traditionally and culturally affiliated (TCA) with the project area that has requested tribal cultural monitoring during the AB52 Consultation process shall be retained to monitor all ground-disturbing activities associated with project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that may disturb original (pre-project)

ground, including the placement of imported fill materials and related roadway improvements (i.e., for access).

- The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc.
- Prior to the start of construction activities, the project proponent shall submit a letter of engagement or a copy of a monitoring contract to the City to demonstrate that each archaeological and culturally affiliated Native American monitors have been retained for the project.
- The qualified archaeologist and each TCA Native American monitor shall attend all applicable preconstruction meetings with the contractor and/or associated subcontractors.
- Monitors shall be provided at least 72 hours notice of the initiation of construction and be kept reasonably apprised of changes to the construction schedule. In the event that a monitor is not present at the scheduled time, work can continue without the monitor present, as long as the notice was given and documented.
- A reburial location shall be identified as an “environmentally sensitive area” on project plans and communicated to the consulting tribes. If cultural materials discovered during project construction are reburied in this location, the landowner shall record a deed restriction over the reburial area within 30 days of the completion of ground disturbing activities. If the location is not used for reburial of materials, then recording a deed restriction on this location shall not be required.

During Construction

- The qualified archaeologist shall maintain ongoing collaborative consultation with ~~the~~ each TCA Native American monitor during all ground-disturbing or altering activities, as identified above.
- The qualified archaeologist and/or each TCA Native American monitor shall have the authority to temporarily halt ground-disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, if subsurface deposits believed to be cultural or human in origin are discovered during construction, all work shall halt within a 100-foot radius of the

3.4 Cultural Resources

discovery and ground-disturbing activities shall be temporarily directed away from these deposits to allow a determination of potential significance, the subject of which shall be determined by the qualified archaeologist and the TCA Native American monitor(s). Ground-disturbing activities shall not resume until the qualified archaeologist, in consultation with ~~the~~ each 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.

- If the professional archaeologist determines with full agreement from the TCA monitor(s) that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required.
- The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed project. If avoidance is not feasible, a Data Recovery Plan may be authorized by the City as the lead agency under CEQA. If a Data Recovery Plan is required, then ~~the~~ each TCA Native American monitor shall be notified and consulted in drafting and finalizing any such recovery plan.
- The qualified archaeologist and/or each TCA Native American monitor may also halt ground-disturbing activities around known archaeological artifact deposits or cultural features if, in their respective opinions, there is the possibility that they could be damaged or destroyed.
- The landowner shall relinquish ownership of all tribal cultural resources collected during the cultural resource mitigation monitoring conducted during all ground-disturbing activities, and from any previous archaeological studies or excavations on the project site, to ~~the~~ each TCA Native American Tribe for respectful and dignified treatment and disposition, including reburial, in accordance with the tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the most likely descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98.

CR-2 Prepare Monitoring Report and/or Evaluation Report. Prior to the release of the Grading Bond, a Monitoring Report and/or Evaluation Report, which describes the

results, analysis, and conclusions of the cultural resource mitigation monitoring efforts (such as but not limited to the Research Design and Data Recovery Program), shall be submitted by the qualified archaeologist, along with the TCA Native American monitor's notes and comments, to the City's Development Services Director for approval.

CR-3 Identification of Human Remains. As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the qualified archaeologist and/or the TCA Native American monitor) shall occur until the coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the qualified archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by state law, the coroner shall 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 shall make a determination as to the most likely descendent. If Native American remains are discovered, the remains shall be kept in situ ("in place"), or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of the TCA Native American monitor.

Level of Significance: Less than significant with mitigation incorporated.

ARCHAEOLOGICAL RESOURCES

Impact 3.4-2 **The project would have the potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. Impacts would be less than significant with mitigation incorporated.**

As stated above, a records search was conducted in February 2022 for the APE and a surrounding one-mile radius at the SCIC; a site survey was conducted in early March 2022; and subsurface

3.4 Cultural Resources

testing was conducted in early April 2022 (ECORP 2022a). The CHRIS records search identified 35 previously recorded cultural resources located within one mile of the project area. A portion of one previously documented cultural resource site (CA-SDI-12130) was determined to overlap the project boundaries. Based on the results of subsequent subsurface testing, it was determined that this resource is not eligible for listing under NRHP or CRHR criteria (ECORP 2022a).

The region in which the project site is located is recognized as having been in regular use by Native Americans for thousands of years. The potential for buried pre-contact archaeological sites does exist due to the site's proximity to the Pacific Ocean and Batiquitos Lagoon. Additionally, archaeological sites have been identified along perennial and intermittent waterways in the region, such as the drainage located to the west of the project site. Along the eastern edge of the site Holocene surficial sediments exist atop earlier geological formations. Pre-contact archaeological deposits have been previously identified and documented within these strata. Therefore, as previously recorded pre-contact resources as well as sediments associated with human occupation occur within the project vicinity, the potential for subsurface resources in previously undisturbed soils is considered to be moderate to high (ECORP 2022a).

A potentially significant impact to unknown archaeological resources may therefore occur from subsurface construction disturbances (i.e. trenching, excavation, grading) associated with project construction. To ensure proper protection of any undiscovered resources, should they be encountered during project-related ground disturbance activities, archaeological and Native American monitoring is required (mitigation measures **CR-1** and **CR-2**).

The magnitude of potential project impacts is unknown because any undiscovered archaeological resources are located underground and, therefore, cannot be readily evaluated. Mitigation measures **CR-1** and **CR-2** would be implemented to address the recovery of any unknown cultural resources in the event such resources are encountered during project construction. Impacts would be reduced to **less than significant with mitigation incorporated**.

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

Level of Significance: Less than significant with mitigation incorporated.

HUMAN REMAINS

Impact 3.4-3 **The project would have the potential to disturb human remains, including those interred outside of formal cemeteries. Impacts would be less than significant with mitigation incorporated.**

No known cemeteries are located on-site and no such resources were identified during the records searches, consultation efforts, or field survey; refer also to Section 3.13, Tribal Cultural

Resources. Although no known human remains have been identified on-site, the potential for project ground-disturbing activities to result in impacts to unknown resources does exist. Due to the presence of sediments contemporaneous with human occupation of the region and the presence of previously recorded pre-contact resources in the surrounding area and within the Project Area, the potential for subsurface resources in previously undisturbed soils is considered moderate to high. Additionally, the project vicinity has the potential to support buried pre-contact archaeological sites due to proximity to the Pacific Ocean and recognized regular use by Native Americans for thousands of years (Appendix E).

The project would be required to comply with regulatory requirements for treatment of Native American human remains contained in California Health and Safety Code Sections 7050.5 and 7052 and California PRC Section 5097. Additionally, implementation of mitigation measure **CR-3** would reduce project impacts on unknown human remains to less than significant. Potential construction impacts on human remains would be reduced to **less than significant with mitigation incorporated**.

Mitigation Measure: Implement mitigation measure **CR-3**.

Level of Significance: Less than significant with mitigation incorporated.

CUMULATIVE IMPACTS

Impact 3.4-4	The project would have the potential to result in a significant cumulative impact related to historical or archaeological resources or human remains. Impacts would be less than cumulatively considerable.
---------------------	--

Geographic Scope

Cumulative projects that have the potential to be considered in a cumulative context with the project's incremental contribution, and that are included in the analysis of cumulative impacts relative to cultural resources, are identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0 of this EIR. The cumulative impact analysis includes all 2019 Housing Element Update sites to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential Cumulative Impacts

Urban development over past decades in San Diego County has resulted in adverse impacts on cultural resources. However, the adoption of state and federal laws related to cultural resources has provided a mechanism to address potential impacts of development activities on known and/or unknown cultural resources. Although inadvertent discoveries and potential impacts may still result on a project-by-project basis based on location, development type, and availability of data, compliance with regulatory procedures generally mitigates potential impacts to cultural

3.4 Cultural Resources

resources. Federal, state, and local laws protect cultural resources in most instances, but they are not always feasible, particularly when in-place preservation may complicate or prevent the implementation of a development project. Future development may conflict with these resources through inadvertent destruction or removal resulting from grading, excavation, and/or construction activities.

Project construction activities would include grading and excavation which may have the potential to result in the discovery of previously unknown subsurface resources. Project implementation could contribute to potential cumulative impacts on cultural resources, including unknown archaeological and historical resources, as well as unknown buried human remains. Past, present, and foreseeable projects have affected, or would have the potential to affect, cultural resources throughout the region over time. However, federal, state, and local laws are designed to protect such resources. These laws have led to the discovery, recordation, preservation, and curation of artifacts and historic structures.

Mitigation measures **CR-1** and **CR-2** address the discovery and recovery of unknown archaeological and historical resources through construction monitoring, identification of potential cultural resources, and evaluation of the significance of a find. Mitigation measure **CR-3** addresses the discovery and recovery of unknown human remains through construction monitoring, protection of the resource, and consultation and treatment as prescribed by state law. Mitigation measures **CR-1** to **CR-3** would be implemented to reduce the potential for the project to contribute to a cumulative impact from project construction on undiscovered resources, if encountered, to less than significant. Similarly, with conformance to applicable federal, state, and local regulations, combined with the evaluation of resource significance and implementation of mitigation measures in compliance with applicable legislation, it is anticipated that other cumulative development projects would be adequately addressed and impacts on historical and cultural resources and/or human remains would be reduced to the extent feasible.

Therefore, individual project-level impacts associated with cultural resources would be less than significant with incorporation of mitigation measures **CR-1** to **CR-3**. Further, the proposed project and other cumulative projects would be subject to conformance with applicable federal, state, and local requirements for the protection of such resources. The project's contribution to a cumulative impact on cultural resources is considered **less than cumulatively considerable**.

Mitigation Measures: Implement mitigation measures **CR-1** to **CR-3**.

Level of Significance: Less than cumulatively considerable.

Section 3.5

Energy Conservation and Climate Change

This section evaluates greenhouse gas (GHG) emissions and energy consumption associated with the proposed project and analyzes the project's consistency with applicable plans and policies. This section is based on technical data presented in the *Greenhouse Gas Assessment* prepared by Ldn Consulting, Inc. (2022; see Appendix F) and available data resources pertaining to energy use and conservation. Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018). Third-party technical reports were peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Climate Change

Climate change is a distinct change in average meteorological conditions with respect to temperature, precipitation, and storms. Climate change can result from both natural processes and human activities. Natural changes in the climate result from very small variations in the earth's orbit which change the amount of solar energy the planet receives. Human activities can affect the climate by emitting heat-absorbing gases into the atmosphere and by making changes to the planet's surface, such as deforestation and agriculture. The following impacts to California from climate change have been identified:

- Higher temperatures, particularly in the summer and in inland areas;
- More frequent and more severe extreme heat events;
- Reduced precipitation, and a greater proportion of precipitation falling as rain rather than snow;
- Increased frequency of drought conditions;
- Rising sea levels;
- Ocean water becoming more acidic, harming shellfish and other ocean species; and
- Changes in wind patterns.

These direct effects of climate change may in turn have a number of other impacts, including increases in the number and intensity of wildfires, coastal erosion, reduced water supplies, threats to agriculture, and the spread of insect-borne diseases.

Greenhouse Gas

GHGs are naturally present in the earth's atmosphere and play a critical role in maintaining the planet's temperature. The natural process through which heat is retained in the troposphere is called the greenhouse effect. The greenhouse effect traps heat in the troposphere through a threefold process as follows: shortwave radiation emitted by the sun is absorbed by the earth; the earth emits a portion of this energy in the form of long-wave radiation; and GHGs in the upper atmosphere absorb this long-wave radiation and re-emit it in all directions, with some radiation heading out into space and some heading back toward the earth. This "trapping" of the long-wave (thermal) radiation emitted back toward the earth is the underlying process of the greenhouse effect. Without the presence of GHGs, the earth's average temperature would be approximately zero degrees Fahrenheit.

Parts of the earth's atmosphere act as an insulating blanket, trapping sufficient solar energy to keep the global average temperature within a range suitable for human habitation. The blanket is a collection of atmospheric gases called greenhouse gases because they trap heat similar to the effect of glass walls in a greenhouse. These gases, mainly water vapor, carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), ozone, and chlorofluorocarbons, all act as effective global insulators, reflecting infrared radiation back to the earth. Human activities, such as producing electricity and driving internal combustion vehicles, emit these gases into the atmosphere.

GHGs are unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (about one day), GHGs have much longer atmospheric lifetimes of one year to several thousand years that allow them to be dispersed around the globe. Although the exact lifetime of any particular GHG molecule is dependent on multiple variables and cannot be pinpointed, scientists who study atmospheric chemistry agree that more CO₂ is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, and other forms of sequestration.

Energy**Electricity**

Electricity usage in California for different land uses varies substantially by the types of uses in a building, types of construction materials used in a building, and the efficiency of all electricity-consuming devices within a building.

Electricity in California is predominantly provided by renewable resources, such as solar, wind, geothermal, and hydroelectric. In 2021, renewable resources supplied approximately 50 percent of the in-state electricity generation while natural gas-fired power plants provided approximately 40 percent and nuclear provided less than 10 percent. Given the size and population of the state,

California is still one of the largest importers of energy in the nation, as approximately 20 to 30 percent of the state’s electricity supply came from generating facilities outside the state in 2021. As such, almost all of the coal-fueled electricity generation consumed in the state was imported (approximately 4 percent of state’s power supply) (EIA 2022).

San Diego Gas & Electric (SDG&E) provides electric services to 3.7 million customers through 1.49 million electric meters and 905,000 natural gas meters located within a 4,100-square-mile service area that includes San Diego County and southern Orange County (SDGE 2022). SDG&E is a subsidiary of Sempra Energy and would provide electricity to the project. SDG&E receives electric power from a variety of sources. Refer to Table 3.5-1 for SDG&E’s distribution of renewable resources.

Table 3.5-1: Portfolio Percentages for SDG&E 2020 Renewable Portfolio Standard

Biopower	Geothermal	Solar PV	Wind	Hydro	Solar Thermal
2%	--	46%	52%	<0.1%	--%

Source: CPUC 2021.

Electricity consumption attributable to San Diego County from 2010 to 2020 is shown in Table 3.5-2, Electricity Consumption in San Diego County 2010-2020. Additionally, energy consumption in San Diego County remained relatively constant between 2010 and 2020, with no substantial increase or decrease.

Table 3.5-2: Electricity Consumption in San Diego County 2010-2020

Year	Electricity Consumption (in millions of kilowatt hours)
2010	19,115
2011	19,121
2012	19,548
2013	19,689
2014	19,900
2015	19,873
2016	19,642
2017	19,362
2018	19,480
2019	18,989
2020	19,045

Source: CEC 2016.

3.5 Energy Conservation and Climate Change

Renewable Energy

In 2018, California ranked first in the nation for electricity generated from solar, geothermal, and biomass energy; fourth in hydroelectric power; and fifth in wind energy. By the end of 2021, California had approximately 15,500 megawatts of utility-scale solar power capacity and 28,000 megawatts of installed solar capacity. Geothermal resources in the state, approximately 2,730 megawatts of capacity, account for almost 70 percent of the nation's utility-scale electricity generation from geothermal energy. The state has over 30 power plants fueled by biomass (wood and wood waste), which leads the nation in energy generation. At the end of 2019, the state had more than 6,300 megawatts of installed wind capacity (EIA 2022).

Natural Gas

The CPUC regulates natural gas utility service for approximately 11 million gas meters for customers who receive natural gas from Pacific Gas & Electric (PG&E), Southern California Gas (SoCalGas), SDG&E, Southwest Gas, and several smaller natural gas utilities. SDG&E provides natural gas service to the counties of San Diego and Orange and would provide natural gas to the project. SDG&E is a wholesale customer of SoCalGas and currently receives all of its natural gas from the SoCalGas system (CPUC 2022).

The majority of California's natural gas customers are residential and small commercial customers (core customers). These customers accounted for approximately 35 percent of the natural gas delivered by California utilities in 2022. Large consumers, such as electric generators and industrial customers (noncore customers), accounted for approximately 65 percent of the natural gas delivered by California utilities in 2012 (CPUC 2022).

Petroleum

As of 2021, California was the seventh largest producer of crude oil in the nation. However, the state's overall crude oil production has steadily declined during the past 30 years. Due to its large size and population, California is the second-largest consumer of petroleum products and the largest consumer of motor gasoline and jet fuel in the nation. Almost 85 percent of petroleum consumed in the state is used in the transportation sector (EIA 2022).

However, technological advances, market trends, consumer behavior, and government policies could result in significant changes in fuel consumption by type and in total. As such, the state has implemented various policies and incentives to increase the use of non-carbon-emitting vehicles and decrease vehicle miles traveled (VMT). In 2021, California drivers owned approximately 931,000 electric vehicles and plug-in hybrid vehicles, with the state having the second-highest ratio of electric vehicles to charging ports (EIA 2022).

At the federal and state levels, various policies, rules, and regulations have been enacted to improve vehicle fuel efficiency, promote the development and use of alternative fuels, and reduce transportation-source air pollutants, GHG emissions, and VMT. Market forces have driven the price of petroleum products steadily upward over time, and technological advances have made use of other energy resources or alternative transportation modes increasingly feasible. Accordingly, since 2010, on-road automotive fuel consumption in San Diego County has generally declined and heavy-duty vehicle fuel consumption has steadily increased.

REGULATORY FRAMEWORK

Federal

Greenhouse Gas Emissions

To date, no national GHG reduction targets or climate plans have been adopted that would apply to the project or the City of Encinitas.

Massachusetts v. EPA (2007)

In *Massachusetts v. U.S. Environmental Protection Agency (EPA)*, the Supreme Court directed the EPA Administrator to determine whether GHG emissions from new motor vehicles cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. In making these decisions, the EPA Administrator is required to follow the language of Section 202(a) of the federal Clean Air Act. On December 7, 2009, the EPA Administrator signed a final rule with two distinct findings regarding GHGs under Section 202(a) of the Clean Air Act:

- Elevated concentrations of GHGs — CO₂, CH₄, N₂O, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆) — in the atmosphere threaten the public health and welfare of current and future generations. This is referred to as the “endangerment finding.”
- Combined emissions of GHGs — CO₂, CH₄, N₂O, and HFCs — from new motor vehicles and new motor vehicle engines contribute to the GHG air pollution that endangers public health and welfare. This is referred to as the “cause or contribute finding.”

These two findings were necessary to establish the foundation for regulation of GHGs from vehicles as air pollutants under the Clean Air Act.

Energy Conservation*Federal Energy Policy and Conservation Act*

In response to the 1973 oil crisis, Congress enacted the Energy Policy and Conservation Act (EPCA) of 1975, which established the first fuel economy standards for on-road motor vehicles in the United States. The purpose of EPCA is to increase energy production and supply, reduce energy demand, provide energy efficiency, and give the executive branch additional powers to respond to disruptions in energy supply. Most notably, EPCA established the Strategic Petroleum Reserve, the Energy Conservation Program for Consumer Products, and Corporate Average Fuel Economy regulations.

Intermodal Surface Transportation Efficiency Act

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) promoted the development of surface transportation programs. The purpose of the ISTEA is to maximize mobility and address national and local interests in air quality and energy. The ISTEA contained factors that metropolitan planning organizations (MPO) were to address in developing transportation plans and programs, including some energy-related factors. To meet the ISTEA requirements, MPOs adopted policies defining the social, economic, energy, and environmental values guiding transportation decisions.

Transportation Equity Act for the 21st Century

In 1998, Congress enacted the Transportation Equity Act for the 21st Century, which expanded programs and initiatives established in the ISTEA legislation. The act authorizes highway, highway safety, transit, and other efficient surface transportation programs. The act continues the program structure established for highways and transit under the ISTEA, such as flexibility in the use of funds, emphasis on measures to improve the environment, and focus on a strong planning process as the foundation of transportation decisions.

Energy Independence and Security Act

In 2007, Congress enacted the Energy Independence and Security Act of 2007 (EISA) with the purpose to increase energy independence and efficiency. The legislation requires the Renewable Fuel Standard (RFS) to continually increase over time to reduce the reliance of petroleum. The U.S. EPA is responsible for developing and implementing regulations to ensure that transportation fuel sold in the United States contains a minimum volume of renewable fuel. The RFS program regulations were developed in collaboration with refiners, renewable fuel producers, and many other stakeholders.

State

Greenhouse Gas Emissions

Discussed below are some of the key state directives and policies pertaining to GHG emissions reduction.

Assembly Bill 32

The California Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32; California Health and Safety Code Division 25.5, Sections 38500–38599) established regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and established a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. This requirement was achieved early in 2016.

California Air Resources Board Scoping Plan

In 2008, the California Air Resources Board (CARB) adopted its Scoping Plan, which functions as a roadmap to achieve GHG reductions in California required by AB 32 through subsequently enacted regulations. CARB's Scoping Plan contains the main strategies California will implement to reduce GHG emissions by 174 million metric tons of carbon dioxide equivalent (MMT_{CO₂e}), or approximately 30 percent, from the state's projected 2020 emissions level of 596 MMT_{CO₂e} under a business-as-usual (BAU)¹ scenario. This is a reduction of 42 MMT_{CO₂e}, or almost ten percent, from 2002 to 2004 average emissions, but requires the reductions in the face of population and economic growth through 2020.

AB 32 requires CARB to update the Scoping Plan at least once every five years. CARB adopted the first major update to the Scoping Plan in 2014. The updated Scoping Plan summarizes recent science related to climate change, including anticipated impacts to California and the levels of GHG reduction necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32. The Scoping Plan update also looks beyond 2020 toward the 2050 goal, established in Executive Order S-3-05, and observes that "a mid-term statewide emission limit will ensure that the state stays on course to meet our long-term goal." The Scoping Plan update did not establish or propose any specific

¹ "Business-as-Usual" refers to emissions that would be expected to occur in the absence of GHG reductions. See <http://www.arb.ca.gov/cc/inventory/data/bau.htm>. Note that there is significant controversy as to what BAU means. In determining the GHG 2020 limit, CARB used the above as the "definition." It is broad enough to allow for design features to be counted as reductions.

3.5 Energy Conservation and Climate Change

post-2020 goals, but identified such goals adopted by other governments or recommended by various scientific and policy organizations.

In 2017, CARB approved the *California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target*. This update focuses on implementation of a 40 percent reduction in GHG emissions by 2030 compared to 1990 levels. To achieve this, the updated Scoping Plan draws on a decade of successful programs that addresses the major sources of climate changing gases in every sector of the economy, such as programs dedicated to zero-emission vehicles, renewable energy, clean energy, and sustainable transit-based communities. CARB is in process of finalizing the *Draft 2022 Scoping Plan Update*, which assesses progress toward the statutory 2030 target.

Senate Bill 97

Senate Bill (SB) 97 (2007) (Chapter 185, Statutes of 2007; Public Resources Code Sections 21083.05 and 21097) acknowledges that climate change is a prominent environmental issue that requires analysis under CEQA. The Natural Resources Agency adopted amendments to the CEQA Guidelines in 2010 to address the directive. As a result, CEQA lead agencies are required to estimate the emissions associated with project-related vehicular traffic, energy consumption, water usage, and construction activities to determine whether project-level or cumulative impacts could occur and to mitigate the impacts where feasible.

Senate Bill 375

SB 375 (2008) (Chapter 728, Statutes of 2008) aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. SB 375 requires each metropolitan planning organization (MPO) to adopt a sustainable communities strategy or alternative planning strategy that will prescribe land use allocation in that MPO's regional transportation plan. CARB is charged with reviewing each MPO's sustainable communities strategy or alternative planning strategy for consistency with its assigned targets. San Diego County is part of the San Diego Association of Governments' (SANDAG) MPO and is covered under SANDAG's *2050 Regional Transportation Plan*.

Energy Conservation

Discussed below are some of the key state directives and policies pertaining to energy conservation.

State of California Energy Action Plan

The CEC and CPUC approved the first state of California *Energy Action Plan* in 2003. The plan established shared goals and specific actions to ensure that adequate, reliable, and reasonably priced electrical power and natural gas supplies are provided, and identified policies, strategies,

and actions that are cost effective and environmentally sound for California's consumers and taxpayers. In 2005, a second *Energy Action Plan* was adopted by the CEC and CPUC to reflect various policy changes and actions of the prior two years.

At the beginning of 2008, the CEC and CPUC determined that it was not necessary or productive to prepare a new energy action plan. This determination was based in part on a finding that the state's energy policies have been significantly influenced by the passage of AB 32, the California Global Warming Solutions Act of 2006 (discussed above). Rather than produce a new energy action plan, the CEC and CPUC prepared an "update" that examines the state's ongoing actions in the context of global climate change.

Senate Bill 1078

SB 1078 (2002) established the California Renewable Portfolio Standard (RPS) Program and required that a retail seller of electricity purchase a specified minimum percentage of electricity generated by eligible renewable energy resources as defined in any given year, culminating in a 20 percent standard by 2018. These retail sellers include electrical corporations, community choice aggregators, and electric service providers. The bill relatedly required the CEC to certify eligible renewable energy resources, design and implement an accounting system to verify compliance with the RPS by retail sellers, and allocate and award supplemental energy payments to cover above-market costs of renewable energy.

Senate Bills 107, X1-2, 350, and 100

SB 107 (2006) accelerated the RPS established by SB 1078 by requiring that 20 percent of electricity retail sales be served by renewable energy resources by 2010 (not 2017). Additionally, SB X1-2 (2011) requires all California utilities to generate 33 percent of their electricity from eligible renewable energy resources by 2020. Specifically, SB X1-2 sets a three-stage compliance period: by December 31, 2013, 20 percent shall come from renewables; by December 31, 2016, 25 percent shall come from renewables; and by December 31, 2020, 33 percent shall come from renewables.

SB 350 (2015) requires retail seller and publicly owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030, with interim goals of 40 percent by 2024 and 45 percent by 2027.

SB 100 (2018) accelerated and expanded the standards set forth in SB 350 by establishing that 44 percent of the total electricity sold to retail customers in California per year by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030, be secured from qualifying renewable energy sources. SB 100 also states that it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100 percent of the retail sales of electricity to California. This bill requires that the achievement of 100 percent zero-

3.5 Energy Conservation and Climate Change

carbon electricity resources does not increase the carbon emissions elsewhere in the western grid and that the achievement not be achieved through resource shuffling.

Consequently, utility energy generation from nonrenewable resources is expected to be reduced based on implementation of the 60 percent RPS in 2030. Therefore, any project's reliance on nonrenewable energy sources would also be reduced.

Assembly Bill 1007

AB 1007 (2005) required the CEC to prepare a statewide plan to increase the use of alternative fuels in California (State Alternative Fuels Plan). The CEC prepared the plan in partnership with CARB and in consultation with other state, federal, and local agencies. The plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuels use, reduce GHG emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality.

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24)

Commonly referred to as the CALGreen Code, Title 24, Part 11 standards require new residential and commercial buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality. Title 24 also provides voluntary tiers and measures that local governments may adopt which encourage or require additional measures in the five green building topics. The 2019 standards became effective January 1, 2020. The standards require that all low-rise residential buildings shall have a photovoltaic system meeting the minimum qualification requirements such that annual electrical output is equal to or greater than the dwelling's annual electrical usage. Notably, net energy metering rules limit residential rooftop solar generation to produce no more electricity than the home is expected to consume on an annual basis. Single-family homes built with the 2019 standards will use about 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards, while new nonresidential buildings will use about 30 percent less energy.

The California Energy Commission (CEC) updates the Building Energy Efficiency standards (Energy Code) every three years. The 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more. Buildings whose permit applications are applied for on or after January 1, 2023 must comply with the 2022 Energy Code.

The CALGreen standards originally took effect in 2011 and instituted mandatory minimum environmental performance standards for all ground-up, new construction of commercial, low-

rise residential, and state-owned buildings, as well as schools and hospitals. The mandatory standards require the following:

- Mandatory reduction in indoor water use through compliance with specified flow rates for plumbing fixtures and fittings.
- Mandatory reduction in outdoor water use through compliance with a local water-efficient landscaping ordinance or the California Department of Water Resources' Model Water Efficient Landscape Ordinance.
- Sixty-five percent of construction and demolition waste must be diverted from landfills.
- Mandatory inspections of energy systems to ensure optimal working efficiency.
- Inclusion of electric vehicle charging stations or designated spaces capable of supporting future charging stations.
- Low pollutant-emitting exterior and interior finish materials, such as paints, carpets, vinyl flooring, and particle boards.

The CALGreen standards also include voluntary efficiency measures that are provided at two separate tiers and implemented at the discretion of local agencies and applicants. CALGreen's Tier 1 standards call for a 15 percent improvement in energy requirements, stricter water conservation, 10 percent recycled content in building materials, 20 percent permeable paving, 20 percent cement reduction, and cool/solar-reflective roofs. CALGreen's more rigorous Tier 2 standards call for a 30 percent improvement in energy requirements, stricter water conservation, 75 percent diversion of construction and demolition waste, 15 percent recycled content in building materials, 30 percent permeable paving, 25 percent cement reduction, and cool/solar-reflective roofs.

California's Energy Efficiency Standards for Appliances (Title 20)

Title 20 of the California Code of Regulations requires manufacturers of appliances to meet state and federal standards for energy and water efficiency. Performance of appliances must be certified through the CEC to demonstrate compliance with standards.

New appliances regulated under Title 20 include refrigerators, refrigerator-freezers and freezers; room air conditioners and room air-conditioning heat pumps; central air conditioners; spot air conditioners; vented gas space heaters; gas pool heaters; plumbing fittings and plumbing fixtures; fluorescent lamp ballasts; lamps; emergency lighting; traffic signal modules; dishwaters; clothes washers and dryers; cooking products; electric motors; low voltage dry-type distribution

3.5 Energy Conservation and Climate Change

transformers; power supplies; televisions and consumer audio and video equipment; and battery charger systems.

Title 20 presents protocols for testing for each type of appliance covered under the regulations and appliances must meet the standards for energy performance, energy design, water performance, and water design.

Local

City of Encinitas Climate Action Plan (CAP)

The City's Climate Action Plan (CAP) was adopted in January 2018 and was most recently updated in 2020. The CAP serves as a guiding document and outlines a course of action for community and municipal operations to reduce GHG emissions and the potential impacts of climate change within the jurisdiction. The CAP benchmarks GHG emissions in 2012 and identifies what reductions are required to meet GHG reduction targets based on state goals embodied in AB 32. The CAP aims to achieve local community wide GHG reduction targets of 13 percent below 2012 levels by 2020 and 44 percent below 2012 levels by 2030.

To achieve these objectives, the CAP identifies a summary of baseline GHG emissions and the potential growth of these emissions over time; the expected climate change effects on the City; GHG emissions reduction targets and goals to reduce the community's contribution to global warming; and identification of strategies, specific actions, and supporting measures to comply with statewide GHG reduction targets and goals, along with strategies to help the community adapt to climate change impacts.

As part of the CAP implementation, each strategy, action, and supporting measure will be continually assessed and monitored. Reporting on the status of implementation of these strategies, periodic updates to the GHG emissions inventory, and other monitoring activities will help ensure that the CAP is making progress. It should be noted that as of this time, the City has not adopted implementing ordinances for the CAP. Therefore, strategies requiring the City to adopt ordinances to implement are not applicable to the project. The following strategies are applicable to the project:

- RE-2: Require New Homes to install Solar Photovoltaic Systems
- CET-4: Require Residential Electric Vehicle Charging Stations

City of Encinitas All-Electric Building Ordinance

Ordinance 2021-13 was adopted by the City of Encinitas to amend Section 23.12.080 and Section 23.12.110 of Chapter 23.12 (Uniform Codes for Construction) of Title 23 (Building and

Construction) of the City of Encinitas Municipal Code. The ordinance is intended to implement goals and objectives set forth in the City’s CAP for reducing GHG emissions, conserving water and energy, encouraging green buildings, protecting the natural environment, and protecting the health of residents and visitors. Specifically, Section 100.0, subpart (e) of the California Energy Code is amended in Section 23.12.080(D) of the Municipal Code to require all newly constructed buildings to meet the requirements of an “All-Electric Building” (no natural gas or propane plumbing installed within the building and there is no gas meter connection). Under the ordinance, restaurant use may be approved for an exception to install gas-fueled cooking appliances.

City of Encinitas General Plan and Certified Local Coastal Program

The City of Encinitas General Plan serves as a policy document that provides long-range guidance to City officials responsible for decision-making with regard to the City’s future growth and long-term protection of its resources. The City of Encinitas General Plan is intended to ensure decisions made by the City conform to long-range goals established to protect and further the public interest as the City continues to grow and to minimize adverse effects potentially occurring with ultimate buildout. The City of Encinitas General Plan also provides guidance to ensure that future development conforms to the City’s established plans, objectives, and/or policies, as appropriate.

The California Coastal Act (Public Resources Code Section 30000 et seq.) is intended to protect the natural and scenic resources of the Coastal Zone. All local governments located wholly or partially within the Coastal Zone are required to prepare an) for those areas of the Coastal Zone within its jurisdiction. The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan also serves as Local Coastal Plan (LCP) Land Use Plan for the City. The relevant goals and policies of the General Plan include:

Circulation Element

Policy 1.15: The City will actively support an integrated transportation program that encourages and provides for mass-transit, bicycle transportation, pedestrians, equestrians, and car-pooling.

GOAL 3: The City of Encinitas will promote the use of other modes of transport to reduce the dependence on the personal automobile.

Policy 3.2. Continue to assist in expanding public transportation and emphasize public transportation in future development with preference given to cost-effective alternatives.

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

3.5 Energy Conservation and Climate Change

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

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

Resource Management Element

Policy 1.1: Require new development to utilize measures designed to conserve water in their construction.

Policy 1.10: Promote the use of water efficient sprinkling and gardening systems to include ordinances and technology to encourage drought tolerant plants.

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

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

GOAL 6: The City will make every effort to reduce the amount of solid and liquid waste generated in the Planning Area and will identify ways to responsibly deal with these wastes.

Policy 6.1: The City will phase in all practical forms of mandatory recycling as soon as possible.

Policy 6.2: The City will contract only with waste haulers who will willingly cooperate with the City's recycling effort.

GOAL 9: **The City will encourage the abundant use of natural and drought tolerant landscaping in new development and preserve natural vegetation, as much as possible, in undeveloped areas.**

Policy 9.4: Encourage and adopt standards for the use of drought tolerant and/ or natural landscaping and efficient irrigation systems throughout the City.

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

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

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

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

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

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

City of Encinitas Housing Element 2019

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

The Housing Plan Update 2019 includes the 2013-2021 HEU and a series of discretionary actions to update and implement the City’s Housing Element. The City received a Local Coastal Program (LCP) Amendment approval for the HEU from the California Coastal Commission in September 2019, and certification from the state Department of Housing and Community Development in October 2019.

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

Policy 2.8: Continue to develop and promote an energy efficiency conservation measure consistent with the strategies outlined in the City's Climate Action Plan.

Additionally, according to the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment*, implementation of projects identified in the HEU would not directly conflict with the policies and reduction measures in the City's CAP. However, project implementation has the potential to exceed the City's interim screening threshold (900 MTCO_{2e} per year) which would potentially conflict with the City's ability to achieve the CAP's GHG emissions reduction targets. Development projects that do not achieve the screening level threshold shall prepare a project-specific greenhouse gas analysis that identifies an appropriate project-level significance threshold and project-specific mitigation measures.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

The following thresholds of significance are based, in part, on CEQA Guidelines Appendix G. For the purposes of this EIR, the project may have a significant adverse impact related to GHG emissions if it would:

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
2. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The project would have a significant impact related to energy if it would:

1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

PROJECT IMPACTS AND MITIGATION

GREENHOUSE GAS EMISSIONS

Impact 3.5-1 **The project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Impacts would be less than significant.**

The HEU Environmental Assessment determined that the HEU had the potential to result in impacts due to exceedances of the City’s interim 900 MTCO₂e/yr threshold and required developments that would exceed the applicable 900 MTCO₂e interim screening threshold of significance (or those in place at the time of the development application) to prepare a Greenhouse Gas Emissions Assessment. The *Greenhouse Gas Assessment* prepared for the project (Ldn Consulting 2022; see Appendix F) provides the project-level analysis including both construction and operational emissions.

The project would result in direct and indirect emissions of CO₂, N₂O, and CH₄, and would not result in other GHGs that would facilitate a meaningful analysis. Therefore, this analysis focuses on these three forms of GHG emissions. Direct project related GHG emissions include emissions from construction activities, area sources, and mobile sources, while indirect sources include emissions from energy consumption, water demand, and solid waste generation. The most recent version of the California Emissions Estimator Model (CalEEMod), version 2020.4.0, was used to calculate direct and indirect project related GHG emissions (Appendix F). With respect to cumulative San Diego Air Basin-wide conditions, the San Diego Air Pollution Control District (SDAPCD) has developed strategies to reduce short-term construction-related criteria air pollutant emissions and to reduce long-term mobile-source GHG emissions.

Construction

Construction activities and equipment expected as part of the project are shown in Table 3.5-3, Anticipated Construction Equipment.

Table 3.5-3: Anticipated Construction Equipment

Equipment Identification	Duration (in months)
Site Preparation	
Rubber Tired Dozers	3
Tractors/Loaders/Backhoes	4
Grading	
Excavators	1
Graders	1
Rubber Tired Dozers	1
Tractors/Loaders/Backhoes	3

Table 3.5-3, continued

Equipment Identification	Duration (in months)
Building Construction	
Cranes	1
Forklifts	3
Generator Sets	1
Tractors/Loaders/Backhoes	3
Welders	1
Architectural Coating	
Air Compressors	1
Paving	
Pavers	2
Paving Equipment	2
Rollers	2

Note: This equipment list is based upon equipment inventory within CalEEMod; the quantity and types are based upon assumed use during project construction.
 Source: Ldn Consulting, Inc. 2022 (see Appendix F).

Based on expected construction activities and equipment shown in Table 3.5-3, project construction would generate 880.72 MTCO₂e over the construction life of the project (refer to Table 3.5-4, Expected Construction CO₂e Emissions MT/Year). Lead agencies, including the SDAPCD and the County of San Diego, recommend that construction emissions be amortized (i.e., total construction emissions divided by the lifetime of the project, assumed to be 30 years) over a 30-year period to account for the contribution of construction emissions over a project’s lifetime. As such, amortizing the emissions from project construction over a 30-year period would result in an annual contribution of approximately 29.36 MTCO₂e per year. These emissions are added to operational emissions to account for the contribution of construction to GHG emissions for the lifetime of the project.

Table 3.5-4: Expected Construction CO₂e Emissions (MT/Year)

Year	Bio-CO ₂	NBio-CO ₂	Total CO ₂	CH ₄	N ₂ O	CO ₂ e
2023	0.00	105.63	105.63	0.02	0.01	108.26
2024	0.00	567.55	567.55	0.10	0.03	579.55
2025	0.00	191.02	191.02	0.03	0.00	192.90
Total						880.72
Yearly Average Construction Emissions (metric tons/year over 30 years)						29.36

Notes: Expected construction emissions are based upon CalEEMod modeling assumptions for equipment and durations listed in Table 3.5-3.
 Source: Ldn Consulting, 2022 (see Appendix F).

Operation

Project operation would result in emissions generated from area sources, energy consumption, mobile sources, solid waste generation, and water use. Table 3.5-5 shows the annual operational emissions inventory. Project operations are anticipated to generate 997.46 MTCO₂e per year.

Table 3.5-5: Operational GHG Emissions (MT/Year)

Source	Bio-CO ₂	NBio-CO ₂	Total CO ₂	CH ₄	N ₂ O	CO ₂ e
Area	0.00	1.81	1.81	0.00	0.00	1.85
Electrical Usage	0.00	141.87	141.87	0.01	0.00	142.28
Mobile	0.00	819.13	819.13	0.06	0.04	831.37
Waste	13.91	0.00	13.91	0.82	0.00	34.47
Water	3.08	38.02	41.10	0.32	0.01	51.37
Subtotal ¹						1,061.44
Amortized Construction Emissions						29.36
149 kW of Solar PV						-80.42
4 EV Chargers – EV Vehicle Usage						-12.92
Project Total GHG Emissions						997.46
Residents (374 persons) + Employment (2 persons): Service Population						376
Metric Tons/Service Population						2.65

¹ Includes reductions from project design features.

Notes: Data is presented in decimal format and may have rounding errors.

EV = electric vehicle; GHG = greenhouse gas; kW = kilowatt; MT/Year = metric tons per year.

Source: Ldn Consulting, 2022 (see Appendix F).

The project would implement sustainable design features including installing of solar panels capable of generating 149 kilowatts (kW), or 245,206 kilowatt hours (kWh), of solar power annually and four on-site electric vehicle parking spaces with charging stations. Solar energy is considered 100 percent renewable and once installed, would offset GHG emissions generated from non-renewable energy sources, resulting in a GHG emissions reduction of 80.42 MTCO₂e annually; refer to Table 3.5-5. The electric vehicle parking spaces would enable residents to utilize electric vehicles and would reduce GHG emissions by as much as 12.92 MTCO₂e annually in 2025. It should be noted that all garages will have electrical infrastructure installed for electric vehicle chargers; however, reductions from these sources was not taken into account in evaluating project GHG emissions (Ldn Consulting 2022).

According to the City’s CAP, a multi-family development is required to install 1W of solar power per square foot (CAP measure RE-2). Therefore, to be consistent with the CAP, the project is required to install at minimum of 96 kW of solar power. As the project anticipates installing solar

3.5 Energy Conservation and Climate Change

panels capable of generating 149 kW of solar, the project would be consistent with CAP requirements for on-site solar.

The City's CAP identifies water conservation measures that aim to reduce water consumption. In November 2020, the City updated its CAP to accommodate the adopted HEU maximum realistic yield of 2,494 additional dwelling units of 17 candidate sites within the City under build-out conditions. These additional dwelling units are based upon the HEU's permitted maximum density of 30 dwelling units per net acre on the candidate sites.

The project would implement water conservation measures to reduce potable water use to the extent feasible. The project would meet or exceed the conservation measures mandated by the 2019 California Green Building Standards Code. Additionally, the project would include non-mandatory water conservation measures, such as installation of insulated hot water pipes, pressure reducing valves, water efficient dishwashers, and dual flush toilets. The project would also use recycled water to irrigate common landscaped areas.

The performance metric for CAP Measure WE-1 sets a goal of 5 gallons saved per capita per day. The project would be consistent with the City's General Plan (pending approval by the City) and is therefore consistent with the City's CAP, assuming CAP measures are implemented with the project. As stated above, the project would install low flow water fixtures (e.g., toilets, faucets) in all of the units, 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.

With respect to on-road transportation emission reductions, Goal 4.1 (Reduce VMT) includes a number of supporting goals, which are either included as part of the project design or as part of the project's transportation demand management (TDM) measures program; refer to Section 3.12, Transportation. Such measures include, but are not limited to, increasing residential density, providing very low-income affordable residential units, and providing new sidewalks along the frontage of Piraeus Street and Plato Place.

To be consistent with SB 32, the City's goal is to achieve a 44% reduction with the baseline or a reduction to a target of 254,575 MTCO₂e/year in 2030. The population used in analyzing the proposed project was the City population, which in 2030 is anticipated to be 64,938 persons and 27,958 employees (Ldn Consulting 2022). Thus, in order to achieve a City emission level of 254,575 MT CO₂e based on the reductions needed per SB 32, the required per capita efficiency target in 2030 would be approximately 2.74 MTCO₂e (254,575/92,896) per service population (Ldn Consulting 2022).

The project was analyzed using an alternative approach for consistency with SB 32 using a project-specific locally appropriate efficiency-based threshold based on forecasted population

and the allowable emissions which the City must achieve in 2030 to be compliant with SB 32. Based on this approach, the project would be required to generate fewer service population emissions than 2.74 MTCO₂e. The project was found to generate 997.46 MTCO₂e with both annualized construction and annual operation GHG emissions averaged over a project population of 376 persons. Given this, the project would have a projected GHG emission rate of 2.65 MT CO₂e per service population (997.46 MT CO₂e/376 persons) (Ldn Consulting 2022). As the project would generate fewer emissions than a City-specific localized efficiency metric of 2.74 MTCO₂e per service population, impacts would be less than significant.

Further, this total is in line with the *2017 Climate Change Scoping Plan Update* emissions of 2 MTCO₂e per capita by 2050 without taking into account future regulatory changes which would reasonably further reduce GHG emissions given California's aggressive agenda in addressing greenhouse gas emissions. Since the project would generate fewer emissions than the City-specific localized efficiency metric of 2.74 MTCO₂e per service population, and because the project's long-term (2050) emissions would be within CARBs emissions projections for 2050, the project would result in a less than significant impact.

As stated, the project is consistent with the General Plan and accounted for in the HEU. In November 2020, the City's CAP was updated to address increased GHG emissions resulting from development of the 17 candidate sites identified in the HEU. Updates to the CAP assumed a maximum realistic yield of 2,494 dwelling units across the candidate sites (City of Encinitas 2021). Therefore, the City's CAP accounts for GHG emissions resulting from construction and operation of the project. The project is required to comply with the City's CAP by implementing the appropriate CAP measures, which are described above. Furthermore, the project would generate fewer emissions than the City-specific localized efficiency metric and is within the projections for the future service population established in the CAP. Therefore, the project would not generate substantial GHG emissions and would not directly contribute to short- or long-term GHG impacts. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH APPLICABLE PLANS, POLICIES, OR REGULATIONS

Impact 3.5-2 **The project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Impacts would be less than significant.**

California Air Resources Board 2008 and 2017 Scoping Plans

CARB adopted the AB 32 Scoping Plan as a framework for achieving AB 32 goals with the most recent being the 2008 and 2017 Scoping Plans, and a Draft 2022 Scoping Plan. While the 2008 and 2017 Scoping Plans are not directly applicable to specific projects, the plans contain several state regulatory measures aimed at the identification and reduction of GHG emissions. CARB has adopted many of the measures identified in the plans, such as those that reduce emissions from area sources and vehicle fleets, which are not applicable to individual development projects.

The project would comply with all applicable regulations adopted in furtherance of the 2008 and 2017 Scoping Plans to the extent required by law. The Scoping Plan outlines a series of technologically feasible and cost-effective measures to reduce statewide GHG emissions, such as the installation of low-flow water fixtures and electric vehicle charging stations. Table 3.5-6 provides the relevant measures from the CARB Scoping Plan and project consistency with those measures.

Table 3.5-6: Project Consistency with CARB Scoping Plan

Scoping Plan Measure	Measure Number	Project Consistency
Transportation Sector		
1.5 million zero-emission and plug-in hybrid light-duty electric vehicles by 2025 (4.2 million Zero-Emissions Vehicles by 2030)	N/A	The project would install four on-site electric vehicle charging stations.
Regional Transportation-Related GHG Targets	T-3	CARB has adopted its regional transportation-related GHG targets in furtherance of SB 375. Those targets do not apply directly to the project, and instead are considered by MPOs (like SANDAG) when developing their sustainable communities strategies. See below for discussion of the project's consistency with SANDAG's Regional Transportation Plan.

Table 3.5-6, continued

Scoping Plan Measure	Measure Number	Project Consistency
Reduction in Vehicle Miles Traveled	N/A	The project would provide new sidewalks along the project frontage on Piraeus Street and Plato Place, with connection to pedestrian paths within the project site. The project applicant would work with the City and its bikeshare vendor to expand the City’s bikeshare program into the project area. The electric bikeshare program would provide residents with on-demand access to electric pedal assist bikes for short-term rentals and to encourage a mode shift from vehicle use to electric bicycles.
Electricity and Natural Gas Sector		
Energy Efficiency Measures (Electricity)	E-1	The project would comply with Title 24, Parts 6 and 11, building energy efficiency standards applicable at the time of building permit application. Further, as described above, the project includes numerous design features that would achieve other efficiencies relative to the consumption of energy.
Energy Efficiency (Natural Gas)	CR-1	The project would comply with Title 24, Parts 6 and 11, building energy efficiency standards applicable at the time of building permit application. The project would be consistent with City Ordinance 2021-13 which prohibits the use of natural gas (no meter connection) in residential uses.
Solar Water Heating (California Solar Initiative Thermal Program)	CR-2	The project would install high-efficiency water heaters or solar water heater systems.
Renewables Portfolio Standard	E-3	The project would use energy supplied by SDG&E, which complies with the Renewable Portfolio Standard. SDG&E expects an approximate 44 percent renewables mix in calendar year 2024.
Senate Bill 1 Million Solar Roofs (California Solar Initiative, New Solar Home Partnership, Public Utility Programs) and Earlier Solar Programs	E-4	The project would install solar panels capable of generating up to 149 kW (or 245,206 kWh) of solar power annually.
Water Sector		
Water Use Efficiency	W-1	The project would utilize water-saving features, including low-flow fixtures and water-efficient landscape irrigation.
Water Recycling	W-2	The project would use reclaimed water for on-site landscaped [homeowners association (HOA) maintained] areas.

3.5 Energy Conservation and Climate Change

Table 3.5-6, continued

Scoping Plan Measure	Measure Number	Project Consistency
Reuse Urban Runoff	W-4	The project would include low-impact development measures to the extent feasible to reduce the amount of stormwater runoff from the site.
Green Buildings		
State Green Building Initiative: Leading the Way with State Buildings (Greening New and Existing State Buildings)	GB-1	The project would be required to be constructed in compliance with state and local green building standards in effect at the time of building construction.
Green Building Standards Code (Greening New Public Schools, Residential, and Commercial Buildings)	GB-2	The project would meet green building standards that are in effect at the time of building permit application.
Beyond Code: Voluntary Programs at the Local Level (Greening New Public Schools, Residential, and Commercial Buildings)	GB-3	The project would be required to be constructed in compliance with local green building standards in effect at the time of building permit application.
Forests Sector		
High Global Warming Potential Gases Sector		
Limit High Global Warming Potential Use in Consumer Products	H-4	Project residents would use consumer products that would comply with the regulations that are in effect at the time of manufacture.

Sources: CARB 2008, 2017.

Based on this analysis and the items listed in Table 3.5-5, the project would be consistent with the applicable strategies and measures in the 2008 and 2017 Scoping Plans. In addition, the 2017 Scoping Plan contains a list of local actions that agencies can implement to further reduce GHG emissions. As shown in Table 3.5-7, the project would be consistent with applicable local actions set forth within Appendix B of the 2017 Scoping Plan.

Table 3.5-7: Project Consistency with Scoping Plan Local Actions

Scoping Plan Local Action	Project Consistency
Construction	
Enforce idling time restrictions for construction vehicles	The project would enforce unnecessary idling to five minutes, in accordance with CARB’s Off-Road Regulation.
Divert and recycle construction and demolition waste, and use locally-sourced building materials with a high recycled material content to the greatest extent feasible	The project would divert and recycle construction and demolition waste in accordance with all applicable rules and regulations.
Minimize tree removal, and mitigate indirect GHG emissions increases that occur due to vegetation removal, loss of sequestration, and soil disturbance	The project would provide ornamental trees on-site as part of project landscaping. No mature trees would be removed from the project site with development as proposed.
Utilize existing grid power for electric energy rather than operating temporary gasoline/diesel powered generators	The project would rely on existing grid power for electric energy to the extent feasible and practical. The project would also install solar panels capable of generating up to 149 kW of solar power.
Operation	
Require on-site EV charging capabilities for parking spaces serving the project to meet jurisdiction-wide EV proliferation goals	The project proposes four on-site electric vehicle parking spaces with charging stations.
Provide adequate, safe, convenient, and secure on-site bicycle parking and storage in multi-family residential projects and in nonresidential projects	The project would include on-site bicycle parking and storage for residents, as well as participation in a bike-share program.
Require on-site renewable energy generation	The project would install solar panels capable of generating up to 149 kW of solar power.
Prohibit wood-burning fireplaces in new development, and require replacement of wood-burning fireplaces for renovations over a certain size developments	The project would not install hearth/fireplace options in residential apartment units.
Require solar-ready roofs	The project would install solar panels capable of generating up to 149 kW of solar power.
Require low-water landscaping in new developments	The project would install water efficient/drought tolerant and/or native landscape; would use smart evapotranspiration controllers; and would limit conventional turf.
Expand urban forestry and green infrastructure in new land development	The project would provide new trees on-site as part of project landscaping.

3.5 Energy Conservation and Climate Change

Table 3.5-7, continued

Scoping Plan Local Action	Project Consistency
Require the design of the electric outlets and/or wiring in new residential unit garages to promote electric vehicle usage	The project would include four on-site electric vehicle parking spaces with charging stations.
Require each residential unit to be “solar ready,” including installing the appropriate hardware and proper structural engineering	The project would install solar panels capable of generating up to 149 kW of solar power.
Require the installation of energy conserving appliances such as on-demand tank-less water heaters and whole-house fans	The project would include the use of energy-conserving appliances, such as ENERGY STAR labeled.
Require each residential and commercial building equip buildings with energy efficient AC units and heating systems with programmable thermostats/timers	The project would equip each residential unit with programmable thermostats to control heating and air conditioning systems.
Require each residential and commercial building to utilize low flow water fixtures such as low flow toilets and faucets	The project would install low-flow or high-efficiency water fixtures (toilet, showerheads, washing machines, etc.).
Require the use of energy-efficient lighting for all street, parking, and area lighting	The project would include the use of LED lighting or other efficient lighting.
Require the landscaping design for parking lots to utilize tree cover and compost/mulch	The project would provide new trees on-site as part of project landscaping. The project would install water efficient/drought tolerant and/or native landscape and would limit use of conventional turf.

Sources: CARB 2017; Ldn Consulting, 2022 (see Appendix F).

San Diego Association of Governments’ San Diego Forward: The Regional Plan

SANDAG developed *San Diego Forward: The Regional Plan* to provide a regional growth-management strategy that targets per-capita GHG emissions reductions from passenger vehicles and light-duty trucks in the San Diego region. The Regional Plan integrates land use and transportation strategies to meet GHG emissions reduction targets that are forecasted to achieve the state’s 2035 and 2050 GHG reduction goals. The Regional Plan incorporates local land use projections and circulation networks in city and county general plans. Typically, a project would be consistent with the Regional Plan if it does not exceed the underlying growth assumptions in the Regional Plan.

Project implementation would result in an increase of 149 new residential units within the City of Encinitas, which is consistent with that proposed in the HEU (up to 206 base residential units). The HEU includes the City’s share of the required new residential units in the region, as provided

by the Regional Housing Needs Assessment from SANDAG. The City projected a deficit of 1,062 very low/low income units and 238 moderate/above moderate income units. As part of the HEU process, the City updated SANDAG with the growth projections approved by the City within the HEU. As the project has been designed in accordance with growth projections identified in the HEU, no conflict with SANDAG’s regional growth forecast for the City would occur. Additionally, the project includes energy efficiency features that support the policy objectives of the Sustainable Communities Strategy and Regional Transportation Plan required by SB 375. As shown in Table 3.5-8, the project is consistent with all applicable Regional Plan policy objectives and strategies.

Table 3.5-8: Project Consistency with SANDAG’s San Diego Forward: The Regional Plan

Category	Sustainable Communities Strategy	Consistency Analysis
Strategy #1	Invest in a reimagined transportation system.	<i>Consistent.</i> The project would create a walkable environment that promotes and enhances the pedestrian experience throughout the site, with safe, convenient, and attractive connections. The project would provide four on-site electric vehicle charging stations to promote zero-emission options for residents and guests.
Strategy #2	Incentivize sustainable growth and development.	<i>Consistent.</i> The project would provide 15 very-low income affordable housing units, which provide greater opportunity for lower income families to live closer to job centers and achieve a jobs/housing match near transit, and to allow a greater number of families to be accommodated within a given building footprint.
Strategy #3	Implement innovative demand and system management.	<i>Consistent.</i> The project would construct over 1,100 linear feet of sidewalks along Piraeus Street and Plato Place that would connect to on-site pedestrian paths, and would coordinate with the City to participate in its bike share program. The HOA would provide alternative modes of transportation information to residents as a part of the "New Resident" package. The HOA would also provide residents with transit schedules within the area and alert residents when new transit services are added, or services are changed. The HOA would also act as a Travel Advisor, providing new residents with information regarding how members of households can travel in alternative ways that meet their needs.

Source: SANDAG 2021.

City of Encinitas Climate Action Plan

Originally adopted in 2011, the City approved the latest update to its Climate Action Plan (CAP) in November 2020. Since adoption of the City’s first CAP, new methods for calculating GHG emissions and projecting future emissions have been developed, and advances in technology and public policy offer greater options for innovative GHG reduction strategies. The City’s updated CAP commits to implementing specific programs and projects aimed at reducing and mitigating

3.5 Energy Conservation and Climate Change

the impacts of GHG-emitting activities by targeted dates. Housing construction associated with the project would be subject to requirements of the CAP, as applicable.

Construction features required of new housing includes solar water heaters, rooftop solar panels, and low-flow fixtures as explained above. The project would install solar panels capable of generating up to 149 kW of solar power which aligns with the goal of CAP measure RE-2. The project would also align with the requirements of CAP measure CET-4 by installing four on-site electric vehicle charging stations. Additionally, the project would install high-efficiency water heaters or solar water heater systems, which would further reduce GHG emissions. As stated earlier, the project would also be consistent with City Ordinance 2021-13 which prohibits the use of natural gas in residential uses, thereby avoiding associated GHG-related emissions. For these reasons, the project is considered to be consistent with the City's CAP.

Conclusion

The project as proposed would be consistent with the CARB's *Climate Change Scoping Plan*, SANDAG's *The Regional Plan*, and the City's CAP. The project is consistent with these plans based on the design attributes that serve to promote building electrification and achieve other efficiencies in the consumption of energy, water and transportation fuels; and its provision of residential opportunities (including affordable units) in a jurisdiction with the need for more housing. Therefore, the project would not conflict with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

WASTEFUL, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY RESOURCES

Impact 3.5-3 **The project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Impacts would be less than significant.**

Construction-Phase Energy Use

During construction, the project would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Fossil fuels to power construction vehicles and other energy-consuming equipment would be used during site demolition, clearing, grading, and construction. Fuel energy consumed during these activities would be temporary in nature and would not represent a significant demand on energy resources. Some incidental energy conservation would occur during construction through compliance with state requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would be required to comply with the latest U.S. EPA and CARB engine emissions standards. These standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption.

Additionally, construction building materials would include recycled materials and products originating from nearby sources to reduce the costs of transportation. There is growing recognition among developers and retailers that sustainable construction is not prohibitively expensive and that there is a significant cost-savings potential in green building practices and materials. Substantial reductions in energy inputs for construction materials can be achieved by selecting building materials composed of recycled materials that require substantially less energy to produce than non-recycled materials. The incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes, and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. It is therefore reasonable to assume that production of building materials such as concrete, steel, etc., would employ energy conservation practices in the interest of minimizing the cost of doing business.

As such, project construction would not represent a substantial increase in demand for local or regional energy supplies. Construction fuel use would be temporary and would cease upon completion of project construction. No unusual project characteristics would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or state. Therefore, it is expected that construction fuel consumption associated with the project would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature.

Operational Phase (Long-Term) Energy Use

Transportation Energy Demand

Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic and Safety Administration is responsible for establishing additional vehicle standards and for revising existing standards. Compliance with federal fuel economy standards is not determined for each individual vehicle model. Rather, compliance is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States. Based on the limited number of new vehicle trips the project would generate on

3.5 Energy Conservation and Climate Change

an daily or annual basis, the project would not substantially increase automotive fuel consumption within San Diego county. The project does not propose any unusual features that would result in excessive long-term operational fuel consumption.

The key drivers of transportation-related fuel consumption are job locations/commuting distance and many personal choices on when and where to drive for various purposes. Such factors are outside the scope of the project design. However, the project would include four on-site electric vehicle charging stations to encourage and support the use of electric vehicles by residents and guests of the project, and thus, reduce the petroleum fuel consumption. In addition, as discussed in the Traffic Impact Study, the project would implement TDM strategies including increasing residential density, providing affordable housing, participating in a bikeshare program, providing pedestrian improvements, and providing public transit information to new residents. These strategies would reduce VMT and thus reduce transportation related fuel consumption.

To comply with CAP measure CET-4, the project is required to install electric vehicle charging stations at 5 percent of the total number of residential parking spaces. The project would install four electric vehicle charging stations (at the parking area near the on-site pool), which meets the requirement of CAP measure CET-4. While the project cannot guarantee residents would utilize the electric chargers, it is assumed that the availability of electric chargers on-site would provide incentive and support for the use of electric vehicles, and thus, contribute to a reduction in the consumption of fossil fuels.

Given the project's small (resident) population compared to the size of the City and region, project implementation would have a minimal contribution to fuel consumption and demand. The project would not have any unusual characteristics that would result in substantial or excessive long-term fuel consumption in the county. Therefore, the project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation. Impacts would be **less than significant** in this regard.

Building Energy Demand

The CEC developed year 2020 to 2035 forecasts for energy consumption and peak demand in support of the 2021 IEPR for each of the major electricity and natural gas planning areas and the state, based on economic and demographic growth projections (CEC 2022). The CEC forecasts that the statewide annual average growth rates of energy demand between 2021 and 2030 will be 1.3 percent to 2.3 percent increase for electricity and a less than 0.1 percent to 0.8 percent increase for natural gas. The CEC developed 2018-2030 forecasts for energy consumption and peak demand in support of the 2021 IEPR for each of the major electricity and natural gas planning areas and the state based on the economic and demographic growth projections.

CEC forecasts that the statewide annual average growth rates of energy demand between 2016 and 2030 would be 0.99 percent to 1.59 percent for electricity and 0.25 percent to 0.77 percent for natural gas. Operational energy consumption of the project would represent a limited increase in electricity consumption and no increase in natural gas consumption over the current Countywide usage, which would be significantly lower than the CEC's energy demand forecasts. The proposed residential uses would consume energy evenly throughout the day. As a result, the project would not result in unique or more intensive peak or base period electricity demand.

As described under Impact 3.5-1, the project would include project components to promote sustainability through site design that would conserve energy, water, open space, and other natural resources, and would become specific COA by the City. Most notably, the project would generate up to 149 kW of solar power and would install four on-site Level II electric vehicle charging stations. The project would meet or exceed Title 24 energy efficiency requirements current at the time of construction. The Title 24 Building Energy Efficiency Standards are updated every three years and become more stringent between each update. Therefore, complying with the latest Title 24 standards at the time of construction would make the project more energy efficient than existing buildings built under the earlier versions of the Title 24 standards.

The project would also comply with CALGreen Tier II standards. Other energy-saving features incorporated into the proposed development include the prohibition of natural gas hearths and incorporation of low-flow water fixtures, drought-tolerant landscaping, ENERGY STAR appliances, and high-efficiency heating, ventilation, and air conditioning systems. As previously stated, the project would also be consistent with City Ordinance 2021-13 which prohibits the use of natural gas in residential uses (e.g., no utility connections for natural gas).

Furthermore, the electricity provider, SDG&E, is subject to California's Renewables Portfolio Standard. The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 100 percent of total procurement by 2045. Renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat. The project would also install on-site solar panels capable of generating approximately 149 kW of solar power on-site. The increase in reliance of renewable energy resources further ensures that the project would not result in the waste of the finite energy resources.

Therefore, the project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation. Impacts would be **less than significant**.

3.5 Energy Conservation and Climate Change

Conclusion

The project does not involve any unusual characteristics that would result in excessive long-term operational demand for electricity, and would not create a new operational demand for natural gas. For the reasons above, the project would not place a substantial new demand on regional energy supply or require significant additional capacity. Therefore, the project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH OR OBSTRUCT A STATE OR LOCAL PLAN FOR RENEWABLE ENERGY OR ENERGY EFFICIENCY

Impact 3.5-4 **The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Impacts would be less than significant.**

Refer to discussion under Impacts 3.5-1 and 3.5-2. The project would follow applicable energy standards and regulations during the construction and operation phases. Specifically, the project would be consistent with all actions in the City's CAP. As stated above, the project would generate up to 149 kW of solar power and would install four on-site Level II electric vehicle charging stations, consistent with measure CET-4 of the CAP. Furthermore, the project includes various project components to reduce its energy consumption which include installing smart meters and programmable thermostats, low-flow water fixtures, and efficient lighting in all buildings (refer to Impact 3.5-1). The project would be constructed and operated in accordance with all existing, applicable regulations at the time of construction. For the reasons stated, the project would not obstruct a state or local plan for renewable energy or energy efficiency. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.5-5 **The project would not result in cumulative impacts related to energy conservation and climate change. Impacts would be less than cumulatively considerable.**

Geographic Scope

Climate change is an inherently cumulative category of impact. No one project will cause climate change; rather, it is the agglomeration of all global emissions that causes harm. To help address its contribution to the cumulative issue, the state of California has elected to reduce GHG emissions at the state level for activities under its control and has promulgated policy for local agencies to do the same. As such, the City predominantly uses the CAP as the mechanism to reduce GHG emissions and energy consumption in the City on a project-by-project basis.

Cumulative projects that would have the potential to be considered in a cumulative context with the project’s incremental contribution, and that are included in the analysis of cumulative impacts relative to energy resources, are identified in Table 3.0-1 and Figure 3.0-1, in Section 3.0 of this EIR. To be conservative, the cumulative analysis also includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential Cumulative Impacts

The project is consistent with the City’s General Plan and accounted for in the HEU, which will form the basis of future updates to the CAP, and the project and cumulative project’s emissions would be captured in such future CAP updates. The CAP has been updated to account for the HEU, including the proposed project and other cumulative projects listed in Tables 3.0-1 and 3.0-2.

The project is required to be consistent with the City’s CAP through implementing the appropriate CAP measures, as previously described herein. Similarly, other cumulative projects analyzed in the HEU would also be consistent with the General Plan, and future projects would be subject to provisions of the CAP and any associated implementing ordinances in effect at the time of application submittal for those projects. Furthermore, future development would be subject to compliance with applicable federal, state, and local energy and building regulations.

The project was analyzed using an alternative approach for consistency with SB 32 using a project-specific locally appropriate efficiency-based threshold based on forecasted population and the allowable emissions which the City must achieve in 2030 to be compliant with SB 32. Based on this approach, the project would be required to generate fewer service population emissions than 2.74 MTCO₂e. The project was found to generate 997.46 MTCO₂e with both

3.5 Energy Conservation and Climate Change

annualized construction and annual operation GHG emissions averaged over a project population of 376 persons. Given this, the project would have a projected GHG emission rate of 2.65 MT CO₂e per service population (997.46 MT CO₂e/376 persons) (Ldn Consulting 2022). As the project would generate fewer emissions than a City-specific localized efficiency metric of 2.74 MT CO₂e per service population, impacts would be less than significant and the project would not substantially contribute to cumulatively considerable short- or long-term GHG impacts.

As to energy consumption, the cumulative impact analysis focuses on three relevant sources of energy: (1) electricity (including energy required for water delivery, sanitary sewer, and solid waste disposal); (2) natural gas; and (3) transportation fuel for vehicle trips associated with new development, as well as the fuel necessary for project construction. Construction of the cumulative projects listed in Table 3.0-1 and Table 3.0-2 would not represent a substantial increase in demand for local or regional energy supplies because construction fuel use would be temporary and would cease upon completion of project construction. None of the cumulative projects would involve any unusual characteristics that would result in excessive long-term operational demand for electricity or natural gas.

As described under Impact 3.5-1, the project would incorporate design elements to promote sustainability through site design that would conserve energy, water, open space, and other natural resources, and would become specific conditions of approval by the City. Other cumulative projects would also include project components to comply with the CAP and/or other local, state, and federal regulations. As required by CAP measure CET-4, projects are required to install rooftop solar panels and Level II electric vehicle charging stations, which would reduce each cumulative project's energy consumption; the project is consistent with this measure. As stated in Impact 3.5-3, the project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Therefore, the project's contribution to a cumulative impact would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

Section 3.6 Geology and Soils

This section discusses the environmental setting, existing conditions, regulatory context, and potential impacts of the proposed project in relation to geology and soils. The information and analysis in this section is based on the *Geotechnical Investigation* (Geocon 2022; Appendix G-1) and the *Consultation: Limits of Areas of Previous Grading Disturbance, Encinitas Apartments Memorandum* (Geocon 2019; Appendix G-2), both prepared by Geocon, Inc. Additionally, information was taken from the *Paleontological Records Search* prepared by the San Diego Natural History Museum (SDNHM 2022; Appendix G-3). Third party technical reports have been peer reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Geologic Setting

Regional Geology

The project area is situated in the Peninsular Ranges Geomorphic Province. This geomorphic province encompasses an area that extends approximately 900 miles from the Transverse Ranges and the Los Angeles Basin south to the southern tip of Baja California; it varies in width from approximately 30 to 100 miles. The province is characterized by mountainous terrain on the east composed mostly of Mesozoic igneous and metamorphic rocks, and relatively low-lying coastal terraces to the west underlain by late Cretaceous-age, Tertiary-age, and Quaternary-age sedimentary units. Most of the coastal region of San Diego County occurs on these coastal terraces and is underlain by sedimentary units.

Site-Specific Geology

Based on field exploration and observations conducted for the Geotechnical Evaluation, the site is generally underlain by three surficial soil deposits including previously-placed fill, landslide debris, and alluvium; and two geologic units including Quaternary-age Very Old Paralic Deposits and Eocene-age Santiago Formation. The previously placed fill encountered during borings taken on-site extended to a depth of approximately 15 feet below grade. The fill material was found to be loose to very dense, clayey, fine to coarse sand and included organic materials and small amounts of gravel. Alluvium was encountered at the southern portion of the site beneath the previously placed fill material to a maximum depth of 55 feet below grade. The alluvium was found to be medium dense, clayey to silty, fine to coarse sand. Landslide debris was also encountered at the western portion of the project site, at an area approximately 140 feet from Piraeus Street (Geocon 2022).

3.6 Geology and Soils

Very Old Paralic Deposits were encountered above grade throughout most of the project site and were found to be composed of medium to dense, fine to coarse sand, which included cobble and sand layers. The Santiago Formation was encountered between 14 and 32 feet below grade at the project site and between 50 and 55 feet below grade beneath on-site alluvium. The Santiago Formation was also encountered above grade at the northern drainage and adjacent to Piraeus Street. These materials were composed of dense to very dense, moist, silty, fine to coarse sandstone as well as hard, moist, claystone (Geocon 2022).

Under current conditions, approximately 12,025 square feet (0.28 acres) of existing steep slopes on the project site are manufactured. A slope excavation along the western property margin is present and presumed to be associated with former grading that occurred with construction of Piraeus Street and Interstate 5. The northern portion of the slope included installation of a concrete brow ditch. These on-site cut slopes range from approximately 10 to 15 feet in height (Geocon 2019). Other surficial disturbance is visible from creation of an off-road bike course and associated trails and ramps.

Additionally, in 2001, a landslide occurred on-site that closed adjacent Piraeus Street. The landslide occurred along the cut slope north of Plato Place that temporarily closed Piraeus Street (Geocon 2019). The western property margin currently contains the landslide remnant with an upper scarp area that has down dropped approximately 5 to 10 feet. During landslide remediation, the City of Encinitas removed portions of the slide and installed two groundwater observation wells and two horizontal drains. The cut area is located above the existing landslide and was the source for the fill. The excavated soil was placed within a depression on the southern portion of the property. The lower portion of the slope face adjacent to Piraeus Street was track walked with a bull dozer during repair operations (Geocon 2022).

Seismic and Geologic Hazards

During the Pliocene, several new faults developed in Southern California, creating a new tectonic regime superposed on the flat-lying section of Tertiary and late Cretaceous rocks in the San Diego region. One of these fault systems is the Rose Canyon Fault Zone.

The principal known onshore faults in southernmost California are the San Andreas, San Jacinto, Elsinore, Imperial, and Rose Canyon faults. Principal offshore faults include the Coronado Bank, Descanso, San Diego Trough, and San Clemente faults, located off the San Diego and northern Baja California coastlines. The majority of the offshore faults coalesce south of the international border, where they come onshore as the Agua Blanca fault, which transects the Baja California peninsula.

Active Faults

The US Geological Survey defines an active fault as a fault that has had surface displacement within Holocene times (approximately the last 11,000 years) and therefore is considered more likely to generate a future earthquake. California’s Alquist-Priolo Earthquake Fault Zoning Act requires the State Geologist to establish regulatory zones (known as earthquake fault zones) around the surface traces of active faults that pose a risk of surface ground rupture, and to issue appropriate maps to mitigate the hazard of surface faulting to structures for human occupancy and prevent the construction of buildings used for human occupancy on the surface trace of active faults. No known active or potentially active faults transect or project toward the site (CGS 2010). In addition, the site is not located within an earthquake fault zone mapped by the state. The nearest known active faults are the Newport-Inglewood Fault and Rose Canyon Fault Zone, located approximately 13 miles west of the site.

Ground Shaking

Ground shaking is the earthquake effect that produces the vast majority of damage, and is the most common effect of earthquakes that adversely impacts people, animals, and constructed improvements. Several factors control how ground motion interacts with structures, making the hazard of ground shaking difficult to predict. Earthquakes, or earthquake-induced landslides, can cause damage both near and far from fault lines. Damage to public and private buildings and infrastructure can threaten public safety and result in significant economic loss. Seismic waves propagating through the earth’s crust are responsible for the ground vibrations normally felt during an earthquake. Seismic waves can vibrate in any direction and at different frequencies, depending on the frequency content of the earthquake rupture mechanism and the path and material through which the waves propagate. The earthquake rupture mechanism is the distance from the earthquake source, or epicenter, to an affected site.

According to the Geotechnical Investigation, the risk associated with strong ground motion due to an earthquake at the site is considered to be high; however, such risk is no greater than that for the surrounding region (Geocon 2022). The primary seismic hazard is the risk for ground shaking to occur in response to a large-magnitude earthquake during the lifetime of the planned development.

Additionally, the California Building Code (CBC) defines different Seismic Design Categories based on building occupancy type and the severity of the probable earthquake ground motion at the site. The six Seismic Design Categories are designated A through F, with Category A having the least seismic potential and Category F having the highest seismic potential. The Geotechnical Investigation identifies the site as Site Class D “Stiff Soil” per the CBC and American Society of Civil Engineers (Geocon 2022).

3.6 Geology and Soils

Erosion

Grading and construction can loosen surface soils and make soils susceptible to the effects of wind and water movement across the surface. Based on on-site conditions, exposed on-site soils may be subject to soil erosion during project ground disturbing activities.

Paleontological Resources

The project site is generally underlain by Quaternary-age Very Old Paralic Deposits and Santiago Formation. Very Old Paralic Deposits formed during the early to middle Pleistocene-age (1.5 to 0.5 million years ago) underlie the majority of the project site. Quaternary-age Very Old Paralic Deposits are considered to have a moderate paleontological sensitivity. Limited areas in the northern and western portions of the project site are underlain by the Santiago Formation (approximately 49 to 40 million years old). The Santiago Formation is exposed in the natural slopes within the drainage to the north of proposed project site and in the adjacent to Piraeus Street. The Santiago Formation has produced trace fossils (e.g., burrows) and fossilized impressions or remains of plants (e.g., tropical mangrove), marine invertebrates (e.g., snails, mussels, oysters, clams, tusk shells, starfish, and brittle stars), and marine vertebrates (e.g., rays). The Santiago Formation is considered to have a high paleontological sensitivity.

REGULATORY FRAMEWORK

State

California Building Code

The State of California establishes minimum standards for building design and construction through the California Building Code (California Code of Regulations, Title 24). The CBC is based on the Uniform Building Code, which is used widely throughout the United States (generally adopted on a state-by-state or district-by-district basis) and has been modified for conditions in California. State regulations and engineering standards related to geology, soils, and seismic activity in the Uniform Building Code are reflected in the CBC requirements.

The CBC contains specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition. It also regulates grading activities, including drainage and erosion control.

Regional

San Diego County Multi-Jurisdictional Hazard Mitigation Plan

In 2010, San Diego County and 18 local jurisdictions, including the City of Encinitas, adopted the Multi-Jurisdictional Hazard Mitigation Plan (MHMP). The MHMP is a countywide plan that identifies risks and ways to minimize damage by natural and man-made disasters. It is a comprehensive document that serves many purposes, including creating a decision tool for management, promoting compliance with state and federal program requirements, enhancing local policies for hazard mitigation capability, and providing interjurisdictional coordination. The City's specific hazard mitigation goals, objectives, and related potential actions for earthquake hazards are included in the MHMP.

The MHMP was last revised in 2018. The plan is currently being reviewed and revised to reflect changes to both the hazards threatening San Diego as well as the programs in place to minimize or eliminate those hazards (County of San Diego n.d.).

Local

City of Encinitas General Plan

The City's General Plan is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life in Encinitas. The General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses in the community. Goals and policies relevant to the proposed project are listed below.

Land Use Element

GOAL 8: **Environmentally and topographically sensitive and constrained areas within the City shall be preserved to the greatest extent possible to minimize the risks associated with development in these areas.**

Policy 8.1: Require that any improvement constructed in an area with a slope of more than 25% and other areas where soil stability is at issue to submit soils and geotechnical studies to the City for review and approval. These studies shall document that the proposed development will not adversely affect hillside or soil stability and that no future protective measures will be required.

Resource Management Element

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

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

GOAL 14: The City shall stringently control erosion and sedimentation from land use and development to avoid environmental degradation of lagoons and other sensitive biological habitat, preserve public resources, and avoid the costs of dealing with repair and sedimentation removal.

Policy 14.1: The best strategy to reduce erosion and sedimentation is to reduce to the maximum extent feasible, grading and removal of vegetation. It is the policy of the City that, in any land use and development, grading and vegetation removal shall be limited to the minimum necessary.

Policy 14.3: The City will reduce the rate of sedimentation of the lagoons by requiring procedures for controlling runoff and erosion associated with upland grading and development based on a minimum 10-year, six-hour storm event. The City shall provide regulations for the use of sedimentation basins and the potential transfer of sediment as beach replenishment (if of an acceptable material).

Policy 14.4: Revegetation and appropriate landscaping of all areas graded and scraped of vegetative cover shall be required with land use and development. Plantings, hydroseeding, and irrigation systems used shall be selected on the bases of minimizing erosion and conserving water.

Policy 14.5: To minimize erosion and allow sedimentation control systems to work, no grading or vegetation removal shall be allowed to occur during the wet season, October 1–April 15, without all systems and devices per an approved erosion control plan and program being in place. During other times of the year such systems shall be provided and operative as required by a comprehensive City erosion control ordinance. No grading shall occur during the rainy season within the Special Study Overlay area, or in areas upland of sensitive areas including lagoons, floodplains, riparian or wetland habitat areas, unless by site-specific determination, the grading

would not be occurring on sensitive slopes, in floodplain areas or upland of floodplains, where sedimentation might occur in other sensitive habitat areas. Then, if grading is determined to be allowable, all necessary erosion control devices, including sedimentation basins, must be in place, and shall be monitored and maintained throughout the grading period.

Policy 14.6: To achieve the ends of erosion control, a comprehensive erosion control plan shall be required with final building permit and improvement plans, subject to review and approval prior to commencement of grading and construction.

Policy 14.7: Minimize extensive or premature grading or filling, and penalize illegal grading or filling.

City of Encinitas Municipal Code

The City's Grading, Erosion, and Sediment Control Ordinance (Municipal Code Chapter 23.24) establishes minimum requirements for grading, excavating, and filling of land to provide for the issuance of grading permits and provides for the enforcement of the requirements. This ordinance was adopted pursuant to, and to implement provisions of, the General Plan and certified Local Coastal Program Land Use Plan (LUP). It is the City's intent to protect life and property and promote the general welfare, enhance and preserve the physical environment of the community, and maintain the natural scenic character of the City. The provisions of this ordinance shall be administered to achieve, to the extent possible, appropriate goals and policies of the General Plan/LUP. Key provisions include, but are not limited to, the following:

- Section 23.24.140 requires that a grading plan be prepared and signed by a California registered civil engineer. If a soils and geology report is required, the grading plan must be signed by a registered soil engineer and a certified engineering geologist.
- Sections 23.24.150 and 23.24.160 require an interim and final erosion and sediment control plan to be included as part of the grading plan by a California registered civil engineer with respect to conditions existing on the site during land-disturbing or filling activities or soil storage and the conditions existing on the site after final structures and improvements (except those required under this section) have been completed and where these final structures have not been covered by an interim plan.
- Section 23.24.170 states that a soil engineering report, when required by the City Engineer, shall be prepared and certified by a California registered soils engineer and shall be based on adequate and necessary test borings.

3.6 Geology and Soils

- Section 23.24.180 requires the preparation of an engineering geology report in accordance with Ordinance 2008-03. In addition to a soils report, an engineering geology report is required when the City Engineer determines that the proposed development is in an existing or a potential geological hazardous area. A geological hazardous area is referred to as an area subject to landslide, faulting, or other hazards identified by the City Engineer. The report must be prepared by a California certified engineering geologist and California certified civil engineer or geotechnical engineer and is to be based on adequate and necessary test borings.

City of Encinitas Housing Element 2019

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

As part of the approvals, the project site [Cannon Property (Piraeus) - Site Number 02" in the City's Housing Element] was designated with an R-30 overlay (maximum 30 dwelling units per net acre). Relevant policies and goals related to hazards and hazardous materials are provided below:

GOAL 1: **The City will encourage the provision of a wide range of housing by location, type of unit, and price to meet the existing and future housing needs in the region and City.**

Policy 1.1: Strive to maintain a balance of housing types in the City.

Policy 1.2: Strive to provide a wide variety of housing types so that a range of housing needs and types will be made available to existing and future residents.

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

GOAL 3: **The City will encourage the maintenance and preservation of the existing housing stock as well as quality design in new housing.**

Policy 3.1: Where determined to be dangerous to the public health and safety, substandard units in the City shall be repaired so that they will comply with

the applicable building, safety and housing codes. When compliance through repair is not or cannot be achieved, abatement of substandard units shall be achieved.

Policy 3.2: Enforce the building, safety and housing codes through vigorous code enforcement efforts.

IMPACT ANALYSIS AND MITIGATION MEASURES

Thresholds of Significance

In accordance with the California Environmental Quality Act (CEQA) Guidelines, the effects of a potential project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary, depending on the nature of the proposed project. According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact related to geology and soils if it would:

1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map issued by the State Geologist for the area or based on other substantial evidence of a known fault.
 - b. Strong seismic ground shaking.
 - c. Seismic-related ground failure, including liquefaction.
 - d. Landslides.
2. Result in substantial soil erosion or the loss of topsoil.
3. Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.
4. Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.

3.6 Geology and Soils

5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.
6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

PROJECT IMPACTS AND MITIGATION***RISK OF LOSS, INJURY, OR DEATH INVOLVING RUPTURE OF ALQUIST-PRIOLO FAULT***

Impact 3.6-1 The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Impacts would be less than significant.

Southern California, including the project site, is subject to the effects of seismic activity because of active faults that traverse the region. Active faults are defined as those that have experienced surface displacement within Holocene time (approximately the last 11,000 years) and/or are in a state-designated Alquist-Priolo Earthquake Fault Zone. No known active faults transect or project toward the project site, nor is the project site located within an earthquake fault zone mapped by the state. The nearest known active faults are the Newport-Inglewood Fault and Rose Canyon Fault Zone, approximately 13 miles west of the site (Geocon 2022).

Although no active faults traverse the project site, all new development would be required to comply with the requirements of the Alquist-Priolo Fault Zoning Act and the CBC. The CBC requirements address structural seismic safety and include design criteria for seismic loading and other geologic hazards, including criteria for geologically induced loading that govern sizing of structural members, building supports, and materials and provide calculation methods to assist in the design process. The CBC includes provisions for buildings to structurally survive an earthquake without collapsing and measures such as anchoring to the foundation and structural frame design.

Furthermore, the project would prepare, or cause to be prepared, a Final Geotechnical Report which would provide site-specific geotechnical recommendations for each building, including pad compaction levels, foundation requirements, wall footing design parameters, and other recommendations to ensure that all structures are constructed to appropriate engineering requirements. Conformance with these requirements would further minimize or reduce potential safety risks to project occupants.

Because of the distance to the nearest fault and the magnitude of past seismic activity, the 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. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

RISK OF LOSS, INJURY, OR DEATH INVOLVING STRONG SEISMIC GROUND SHAKING

Impact 3.6-2	The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Impacts would be less than significant.
---------------------	--

Seismic activity poses two types of potential hazards for people and structures, categorized as either primary or secondary hazards. Primary hazards include ground rupture, ground shaking, ground displacement, subsidence, and uplift from earth movement. Secondary hazards include ground failure (lurch cracking, lateral spreading, and slope failure), liquefaction, water waves (seiches), movement on nearby faults (sympathetic fault movement), dam failure, and fires.

The project site is in a seismically active region and could experience ground shaking associated with an earthquake along nearby faults, including the Newport-Inglewood-Rose Canyon Fault Zone. The project site is likely to be subjected to strong ground motion from seismic activity, similar to that of the rest of San Diego County and Southern California, due to seismic activity in the region as a whole. Regardless of seismic activity anticipated to occur on-site, the project would be designed in accordance with CBC requirements that address structural seismic safety.

All new development would be required to comply with the CBC, which includes design criteria for seismic loading and other geologic hazards. These measures include design criteria for geologically induced loading that govern sizing of structural members and provide calculation methods to assist in the design process. Thus, while shaking impacts would be potentially damaging, they would also tend to be reduced in their structural effects due to CBC criteria that recognize this potential. The CBC includes provisions for buildings to structurally survive an earthquake without collapsing and measures such as anchoring to the foundation and structural frame design.

Conformance with CBC and local requirements relative to grading and construction would ensure that the project does not result in exposure of people or structures to potentially substantial

3.6 Geology and Soils

adverse effects involving strong seismic ground shaking. Therefore, impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

RISK OF LOSS, INJURY, OR DEATH INVOLVING SEISMIC-RELATED GROUND FAILURE

Impact 3.6-3 **The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Impacts would be less than significant.**

Liquefaction is the phenomenon whereby soils lose shear strength and exhibit fluid-like flow behavior. Loose granular soils are most susceptible to these effects, with liquefaction generally restricted to saturated or near-saturated soils at depths of less than 50 feet. Liquefaction normally occurs in soils such as sand in which the strength is purely friction. However, liquefaction has occurred in soils other than clean sand. Liquefaction typically occurs under vibratory conditions such as those induced by a seismic event.

Based on the findings of liquefaction analyses conducted as part of the Geotechnical Investigation, the potential for liquefaction on-site is considered low. The site is not located within a state-designated liquefaction hazard zone. Additionally, the County of San Diego Hazard Mitigation Plan maps the site within a zone with a low liquefiable risk (Geocon 2022).

Liquefaction potential is not anticipated at the Very Old Paralic Deposits or Santiago Formation areas due to the dense nature of the materials and lack of groundwater. Perched groundwater was encountered within the on-site alluvium at depths varying from 38 to 49 feet below the ground surface; however, a static groundwater table was not observed in the excavations performed. Existing seepage elevations in the buried alluvial areas may fluctuate seasonally. Areas where perched water or seepage was not encountered may also exhibit groundwater during rainy period; groundwater/seepage conditions are dependent on seasonal precipitation, irrigation, and land use, among other factors, and may vary as a result. Proper surface drainage will therefore need to be considered in the project design (Geocon 2022).

Project design and construction would incorporate standard design measures to address potential seismic-related liquefaction and related effects such as settlement and lateral spreading, including similar types of measures from the CBC as noted above in Impact 3.6-2. With incorporation of such measures into the project design and construction techniques used, potential impacts associated with seismic-related ground failure and liquefaction would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EXPOSURE TO LANDSLIDES

Impact 3.6-4 **The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. Impacts would be less than significant.**

Non-seismically induced landslides can be caused by water from rainfall, septic systems, landscaping, or other origins that infiltrate slopes with unstable material. As noted previously, a documented landslide occurred on the project site in 2001 (Appendix G-1). The landslide extends from Piraeus Street at its toe roughly 140 feet into the property to the east.

The landslide debris is unsuitable to be left in place and complete removal would be required during remedial grading operations. Removal of the slope would result in a buttress fill which would mitigate potential future instabilities in this area of the site (Geocon 2022).

With conformance to the CBC and local building codes, as well as engineering recommendations identified in the geotechnical report, the project would not expose people or structures to potential risk of loss, injury, or death involving landslides. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SOIL EROSION OR LOSS OF TOPSOIL

Impact 3.6-5 **The project would not result in substantial soil erosion or the loss of topsoil. Impacts would be less than significant.**

Soil erosion may result during construction of the proposed project, as grading and construction can loosen surface soils and make soils susceptible to the effects of wind and water movement across the surface. A stormwater pollution prevention plan (SWPPP) that specifies best management practices (BMPs) to prevent grading/construction-related pollutants (including sediment from erosion) from contacting stormwater and moving off-site into receiving waters, as well as elimination/reduction of non-stormwater discharges, would be implemented during construction.

Further, all project construction activities would occur in conformance with the recommendations of the stormwater quality management plan (SWQMP), as well as the City of Encinitas BMP Design Manual for compliance with local City and regional municipal separate

3.6 Geology and Soils

storm sewer system (MS4) permit (California Regional Water Quality Control Board San Diego Region Order No. R9-2015-0100) requirements for stormwater management; refer also to Section 3.8, Hydrology and Water Quality, and Appendix I-2 of this EIR. The project would also be subject to requirements of the City of Encinitas Grading, Erosion, and Sediment Control Ordinance (City Municipal Code Section 23.24) and to grading plan conditions of approval, such as repairing/reseeding/replanting eroded areas and adding erosion control blankets, to ensure that the potential for erosion during project construction is minimized and water quality is maintained.

In conformance with the City's stormwater standards and the MS4 Permit, all runoff generated on-site would be conveyed to a proposed biofiltration basin adjacent to Plato Place. The biofiltration basin has been sized for pollution and flow control purposes. Flow rates generated on-site would be controlled via a small low-flow orifice consistent the City's BMP Manual. In larger storm events, runoff not filtered through the engineered soil would be conveyed via an overflow outlet structure consisting of a 3-foot by 3-foot grate located on top of the outlet structure. Runoff conveyed via the outlet structure would bypass the treatment and flow control BMPs and would be conveyed directly to a proposed storm drain system perpendicular to Piraeus Street. In the post-development condition, the site has been designed to attenuate the 100-year storm event and reduce flow rates below that which currently leaving the site today. As a result, no increase in the amount or rate of stormwater runoff from the site would occur with project implementation as required under the MS4 permit, thereby reducing the potential for erosion to occur. Additionally, a homeowners association would be formed and would be responsible for long-term maintenance of the on-site stormwater facilities in perpetuity, as required by the City, to ensure that adverse effects from runoff do not occur.

With conformance to applicable federal, State, and local regulations, and implementation of appropriate construction and post-construction BMPs, the project would not result in substantial soil erosion or the loss of topsoil. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

UNSTABLE GEOLOGIC UNIT OR SOIL

Impact 3.6-6 The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Impacts would be less than significant.

Liquefaction and dynamic settlement of soils can be caused by strong vibratory motion due to earthquakes. Both research and historical data indicate that loose, saturated, granular soils are susceptible to liquefaction and dynamic settlement. Liquefaction is typified by a loss of shear strength in the affected soil layer, thereby causing the soil to behave as a viscous liquid. This effect may be manifested by excessive settlements and sand boils at the ground surface.

Refer also to Impact 3.6-4 above pertaining to the potential for landslides to occur on-site. As stated, the landslide debris remaining on-site is unsuitable to be left in place and complete removal would be required during remedial grading operations. Removal of the slope would result in a buttress fill which would mitigate potential future instabilities in this area of the site (Geocon 2022). Further, based on the Geotechnical Investigation, the potential for liquefaction on-site is considered low due to the presence of dense, Very Old Paralic Deposits and Santiago Formation and planned engineered fill (Geocon 2022).

The alluvial deposits located beneath the southern portion of the site were found to be slightly to moderately compressible when subjected to increased vertical stress. Based on the geotechnical analysis, it is estimated that approximately 4 to 5 inches of settlement could occur without geotechnical provisions. It is therefore recommended that construction of improvements in the area where alluvium is left in place should be delayed until primary consolidation is essentially complete. Settlement monitoring during grading would verify when primary compression has occurred, and improvement construction may commence (Geocon 2022). Such measures would ensure that potential effects due to settlement would be minimized or avoided.

Further, based on the low susceptibility to liquefaction and the formational material units underlying the site, the possibility of earthquake-induced lateral spreading is considered to be low. Subsidence is also not anticipated to be a design factor due to the density of the underlying Very Old Paralic Deposits and Santiago Formation and the lack of groundwater pumping or extraction of other subsurface materials in the surrounding area.

With conformance to CBC and local requirements, combined with recommendations made in the Geotechnical Investigation, the project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-

3.6 Geology and Soils

or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EXPANSIVE SOILS

Impact 3.6-7 The project would not be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Impacts would be less than significant.

Expansive soils are clayey soils characterized by their ability to undergo significant volume changes (shrinking or swelling) due to variations in moisture content. Such volume changes can be damaging to structures.

Based on laboratory testing and observations conducted by Geocon, Inc., the majority of the on-site material is expected to have a “very low” to “low” expansion potential, with exception of the Santiago Formation (Geocon 2022). The remainder of the site does not support soils considered to be expansive, as defined in Table 18-1-B of the Uniform Building Code (1994), and therefore, would not be anticipated to experience potential adverse effects related to expansive soils.

The claystone and siltstone layers within the Santiago Formation are anticipated to be “medium” to “high” expansive soils (Geocon 2022). For development proposed in areas where potentially expansive soils may be present, the project would be subject to conformance with standard requirements of the CBC and local building codes, as well as adherence to the engineering design recommendations identified in the *Geotechnical Investigation*. Through project conformance with such measures, potential impacts, and related substantial direct or indirect risks to life or property, would be reduced to **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SEPTIC TANKS

Impact 3.6-8 **The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. No impact would occur.**

The project site is located within the service boundaries of the Leucadia Wastewater District. Wastewater generated by the proposed development would be disposed of via the existing public sewer system. Project-generated wastewater flows would be collected on-site and conveyed to a point of connection located off-site in Piraeus Street.

Accordingly, the project would not require septic tanks or alternative wastewater disposal systems. Therefore, **no impact** related to septic tanks or alternative wastewater disposal systems would occur.

Mitigation Measures: None required.

Level of Significance: No impact.

PALEONTOLOGICAL RESOURCES OR UNIQUE GEOLOGIC FEATURES

Impact 3.6-9 **The project would have the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Impacts would be less than significant with mitigation incorporated.**

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

The potential for impacts on fossils depends on the sensitivity of the geologic unit and the amount and depth of grading and excavation. The project site is generally underlain by Quaternary-age Very Old Paralic Deposits and Eocene-age Santiago Formation. The Santiago Formation is considered to have a high paleontological sensitivity (SDNHM 2022; Appendix G-3). Anticipated depth of excavation is approximately 33 feet. Therefore, there is a possibility for the unanticipated discovery of paleontological resources during project-related ground-disturbing activities as well as the potential to damage or destroy paleontological resources that may be present below the ground surface. This would constitute a significant impact. Mitigation measure

GEO-1 would address the inadvertent discovery of previously unknown paleontological resources. Impacts would be reduced to **less than significant with mitigation incorporated**.

Mitigation Measure:

GEO-1 **Paleontological Data Recovery and Monitoring Plan.** A Data Recovery and Monitoring Plan shall be prepared to the satisfaction of the City. The plan shall document paleontological recovery methods.

1. Prior to grading permit issuance, the project applicant shall implement a paleontological monitoring and recovery program consisting of the following measures, which shall be included on project grading plans to the satisfaction of the Development Services Department:
 - a. The project applicant shall retain the services of a qualified paleontologist to conduct a paleontological monitoring and recovery program. A qualified paleontologist is defined as an individual having an MS or PhD degree in paleontology or geology, and who is a recognized expert in the identification of fossil materials and the application of paleontological recovery procedures and techniques. As part of the monitoring program, a paleontological monitor may work under the direction of a qualified paleontologist. A paleontological monitor is defined as an individual having experience in the collection and salvage of fossil materials.
 - b. The qualified paleontologist shall attend the project preconstruction meeting to consult with the grading and excavation contractors concerning the grading plan and paleontological field techniques.
 - c. The qualified paleontologist or paleontological monitor shall be on-site during grading and/or excavation of previously undisturbed deposits of moderate and high sensitivity geologic units (e.g., Santiago Formation) to inspect exposures for any contained fossils. If the qualified paleontologist or paleontological monitor ascertains that the noted formations are not fossil-bearing, the qualified paleontologist shall have the authority to terminate the monitoring program. The paleontological monitor shall work under the direction of a qualified paleontologist. An adaptive approach is recommended, which involves initial part-time paleontological monitoring (e.g., up to 4 hours per day). As the project proceeds, the qualified paleontologist shall evaluate the monitoring results and, in consultation with the City and subject to the City's consent, may revise the monitoring

schedule (i.e., maintain part-time monitoring, increase to full-time monitoring, or cease all monitoring).

- d. If fossils are discovered, recovery shall be conducted by the qualified paleontologist or paleontological monitor. In most cases, fossil salvage can be completed in a short period of time, although some fossil specimens (such as a complete large mammal skeleton) may require an extended salvage period. In these instances, the paleontologist (or paleontological monitor) shall have the authority to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner.
 - e. If subsurface bones or other potential fossils are found anywhere within the project site by construction personnel in the absence of a qualified paleontologist or paleontological monitor, the qualified paleontologist shall be notified immediately to assess their significance and make further recommendations.
 - f. Fossil remains collected during monitoring and salvage shall be cleaned, sorted, and catalogued. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections such as the San Diego Natural History Museum.
2. Prior to building permit issuance, a final summary report outlining the results of the mitigation program shall be prepared by the qualified paleontologist and submitted to the Development Services Department for concurrence. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils, as well as appropriate maps.

Level of Significance: Less than significant with mitigation incorporated.

CUMULATIVE IMPACTS

Impact 3.6-10 **The project would have the potential to result in a significant cumulative impact related to geology and soils. Impacts would be less than cumulatively considerable.**

Geographic Scope

Risks related to geology and soils are typically localized in nature because they tend to be related to on-site conditions or conditions caused by a project's construction. Cumulative projects that have the potential to be considered in a cumulative context with the project's incremental contribution, and that are included in the analysis of cumulative impacts relative to geology and soils, are identified in Tables 3.0-1 and 3.0-2 and Figure 3.0-1 in Section 3.0 of this EIR. Cumulative projects were chosen based on proximity to the project. The majority of the cumulative projects would generally be similar to the proposed project regarding construction and operational activities. These selection factors are appropriate in the context of geology and soils cumulative impacts because generally there needs to be a direct nexus and similar geologic conditions for a synergistic impact to occur, such as site modifications at nearby projects combining to destabilize soils. Currently, there is not a known existing significant cumulative impact related to geology and soils within this geographic scope.

Potential Cumulative Impacts

As discussed above, like much of Southern California, the project site is located in a seismically active area. All areas of San Diego County are considered seismically active to a lesser or greater extent depending on their proximity to active regional faults. Impacts of the proposed project would be cumulatively considerable if the project, combined with related projects, resulted in significant cumulative impacts. However, the effects of the cumulative projects are not of a nature to cause cumulatively significant effects from geologic impacts, or on soils, because such impacts are site-specific and would only have the potential to combine with impacts of the proposed project if they occurred in the same location.

The proposed project would require grading of portions of the subject property to allow for development as proposed. The resulting project site would generally not be visually or topographically different from existing development surrounding the project site. Although construction activities would have the potential to result in erosion on the project site, adherence to the recommendations in the geotechnical report and other state and local grading and building requirements would mitigate erosion impacts to less than significant levels. Other cumulative projects would adhere to similar requirements, thereby minimizing cumulative scenario erosion

impacts. Any planned projects in the vicinity of the proposed project would be subject to environmental review and would be required to conform to the City's General Plan and the CBC.

Other projects may be located in areas considered sensitive for paleontological resources. Such projects would be required to implement mitigation similar to mitigation measure **GEO-1** to reduce potential impacts to paleontological resources to less than significant levels. With adherence to grading and building requirements, the project would not contribute to cumulative impacts for geologic, seismic hazards, or related events because the proposed project and other cumulative projects in the area would be required to demonstrate compliance with local, state, and federal building and safety standards prior to City issuance of grading and/or building permits. As a result, cumulative impacts related to geology and soils would be **less than cumulatively considerable**.

Mitigation Measures: Implement mitigation measure **GEO-1**.

Level of Significance: Less than cumulatively considerable.

This page left blank intentionally.

Section 3.7

Hazards and Hazardous Materials

This section evaluates potential hazards and hazardous materials impacts that may result from construction and/or operation of the proposed project. The following discussion addresses the existing hazards and hazardous materials conditions of the affected environment, considers relevant goals and policies, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from implementation of the project, as applicable.

The analysis in this section is based on the *Phase I Environmental Site Assessment Report (Phase I ESA)* (2022; Appendix H-1) and the *Phase I and II ESA Site Assessment Report* (2021; Appendix H-2), both prepared by Geocon, Inc., as well as review of available hazardous materials databases. Third party technical reports were peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Hazardous Materials and Waste Defined

Under Title 22 of the California Code of Regulations (CCR), the term *hazardous substance* refers to both hazardous materials and hazardous wastes, and both are classified according to four properties: toxicity, ignitability, corrosiveness, and reactivity (22 CCR Section 66261.30). A hazardous material is defined as a substance or combination of substances that may cause or significantly contribute to an increase in serious, irreversible, or incapacitating illness or may pose a substantial presence or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

Public health is potentially at risk whenever hazardous materials are or will be used. It is necessary to differentiate between the hazard of these materials and the acceptability of the risk they pose to human health and the environment. A hazard is any situation that has the potential to cause damage to human health and the environment. The risk to health and public safety is determined by the probability of exposure and the inherent toxicity of a material.

Factors that can influence health effects when human beings are exposed to hazardous materials include the dose to which the person is exposed, the frequency of exposure, the duration of exposure, the exposure pathway (route by which a chemical enters a person's body), and the individual's unique biological susceptibility.

Hazardous wastes are hazardous substances that no longer have practical use, such as materials that have been discarded, discharged, spilled, or contaminated or are being stored until they can

3.7 Hazards and Hazardous Materials

be disposed of properly (22 CCR Section 66261.10). Soil that is excavated from a site containing hazardous materials is a hazardous waste if it exceeds specific CCR Title 22 criteria. Various agencies maintain hazardous waste and substance lists in planning documents used by state and local agencies to comply with California Environmental Quality Act (CEQA) requirements in providing information about the location of hazardous materials sites. While hazardous substances are regulated by multiple agencies, as described under the Regulatory Framework subsection below, cleanup requirements for hazardous wastes are determined on a case-by-case basis according to the agency with lead jurisdiction over a project.

Existing Conditions

The project site is located in the City of Encinitas and is bordered to the west by Piraeus Street and to the south by Plato Place. Land uses in the project vicinity include undeveloped land and single-family residences. Interstate 5 is located to the west of the project site and Batiquitos Lagoon to the north.

The project site consists of undeveloped land and appears to have been previously disturbed with some native vegetation communities present. Scattered trash, several dirt roads, and off-road vehicle tracks are present on-site. A concrete brow ditch is present in the northwestern portion.

On-site topography of the site is relatively flat with slopes present along the western and northern edges. Geology underlying the site consists of surficial soil deposits, Very Old Paralic Deposits, and the Santiago Formation (Geocon 2022).

The dominant vegetation community present is coastal scrub and disturbed land cover, with limited Diegan coastal sage scrub along the slopes to the northwest and south. Southern mixed chaparral occupies the northern area of the project site and transitions into the off-site preserve area. The majority of the off-site preserve area supports Diegan coastal sage scrub with limited portions of non-native riparian and non-native grassland communities (ECORP 2022).

The project site appears to have been primarily vacant land from approximately 1928 to present day. However, the property was formerly used for agricultural purposes (Geocon 2022).

Environmental Site Assessment

A Phase I ESA is a report that identifies existing and potential environmental contamination liabilities. The analysis in a Phase I ESA typically addresses both the underlying land and physical improvements to the property and includes examination of potential soil contamination, groundwater quality, surface water quality, and indoor air quality. The examination of a site may include a survey of past uses of the property, definition of any chemical residues in structures, identification of possible asbestos-containing building materials and lead paints, inventory of

hazardous substances stored or used on the site, assessment of mold and mildew, and evaluation of other indoor air quality parameters. A Phase I ESA is generally considered the first step in the process of environmental due diligence and does not include sampling of soil, air, groundwater, or building materials.

The objective of a Phase I ESA is to evaluate whether recognized environmental conditions (RECs) are present at a property. RECs are defined in ASTM International E1527-13 as “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.” According to the ASTM Phase I ESA standard, the term *recognized environmental condition* is not intended to include de minimis conditions (minor things) that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate government authorities.

If the Phase I ESA determines that a site may be contaminated, a Phase II ESA may be conducted. A Phase II ESA is a more intensive and detailed investigation involving chemical analysis for hazardous substances and/or petroleum hydrocarbons and may include recommendations for remediation, if necessary.

The Phase I ESA conducted for the project site consisted of: (1) a reconnaissance of the subject property; (2) a search of regulatory agency records; (3) review of available historical aerial photographs, topographic maps, and City Directory listings; (4) interviews with property owners; and (5) preparation of the Phase I ESA report detailing the findings of the investigation.

Geocon conducted a site reconnaissance visit on February 7, 2022. Various debris was observed in the central portion of the project site, and Geocon opined that the debris observed constituted a de minimis condition. Conditions indicative of RECs were not observed at the project site or adjacent properties. The key findings of the Phase I ESA are summarized below.

Hazardous Waste Site Database Results

According to the regulatory database search, two facilities in the project vicinity were identified pursuant to Government Code Section 65962.5 (Cortese List). However, analysis in the Phase I ESA determined that these sites do not represent an environmental concern due to the non-release nature of the listings, status of the cases, distance from the project site, and/or location relative to the project site (i.e., based on being hydrogeologically down- or cross-gradient) (Geocon 2022). Refer to Table 3.7-1, Environmental Database Records Search Results, and the discussion below for a brief summary of the identified sites.

3.7 Hazards and Hazardous Materials

Table 3.7-1: Environmental Database Records Search Results

Environmental Database	Search Distance	On-site	Total Listed
Leaking Underground Storage Tanks (LUST)	0.5 miles	0	2
Spills, Leaks, Investigation, and Cleanup Program (CA SLIC)	0.5 miles	0	6
Cortese	0.5 miles	0	2
San Diego County Site Assessment and Mitigation Program (SAM)	0.5 miles	0	4
Other Databases	Up to 0.5 miles	0	10

Source: Geocon 2022 (see Appendix H-1).

Leaking Underground Storage Tanks (LUST)

Leaking underground storage tanks (LUST) are a significant source of petroleum impacts to groundwater and can also result in the following potential threats to health and safety (SWRCB 2019):

- Exposure from impacts to soil and/or groundwater
- Contamination of drinking water aquifers
- Contamination of public or private drinking water wells
- Inhalation of vapors

The State Water Resources Control Board (SWRCB) records soil and/or groundwater contamination caused by LUSTs in its GeoTracker database. Based on a review of the regulatory database report (see Appendix H-1 for details), there are two facilities listed in the LUST release database within 0.5 miles of the project site: La Costa Chevron at 540 La Costa Avenue, located approximately 0.27 miles to the northwest of the project site, and Barrett American, located at 236 Andrew Avenue, approximately 0.45 miles to the west-northwest of the project site.¹ Specific details of these unauthorized releases are not discussed in the Phase I ESA; however, a review of the GeoTracker database for these unauthorized release cases indicated the following:

La Costa Chevron

The facility at 540 La Costa Avenue is a currently operating gasoline station and was listed in the LUST release database, as well as the Cortese and San Diego County SAM release databases. According to the case closure summary provided in the GeoTracker database, a release was

¹ Note that based on a review of Google Earth, the distances provided in the regulatory database report for these facilities do not appear to be accurate.

discovered beneath a gasoline underground storage tank (UST) at the facility. Following soil and groundwater sampling, a soil vapor extraction system operated at the facility from March to September 1999. Groundwater is reported to flow north at the facility (downgradient with respect to the project site). The case was closed under County of San Diego Department of Environmental Health (DEH) oversight in 2001 (SWRCB 2022a). Therefore, the site does not represent a REC relative to the project site.

Barrett American

The facility at 236 Andrew Avenue in Encinitas was listed in the LUST release database as well as the San Diego County SAM and Cortese release databases. According to the case closure summary provided in the GeoTracker database, a release of diesel to soil was discovered at the facility during the removal of three USTs. Results of groundwater sampling indicated that contaminants of concern were not detected in groundwater above the analytical laboratory's reporting limits. The case was closed under DEH oversight in 2006 following soil excavation at the facility (SWRCB 2022b). Therefore, the site does not represent a REC relative to the project site.

Spills, Leaks, Investigation, and Cleanup (CA SLIC)

The project site was not listed on the CA SLIC database. Two facilities were identified within 0.25 miles of the project site, as summarized below.

1540 Caudor Street

This facility is located approximately 0.17 miles to the southeast and upgradient of the project site.² Results of a 2014 investigation conducted at the facility reportedly indicated that organochlorine pesticides were detected in soil below California Human Health Screening Levels for residential use soils. The case was closed under DEH oversight in 2014 (Geocon 2022). Therefore, the site does not represent a REC relative to the project site.

Proposed 19 Unit Subdivision

This facility is located at 1492 Hymettus Avenue in Encinitas, approximately 0.24 miles to the southwest and downgradient of the project site.³ Note that according to the GeoTracker database, this facility is associated with an additional release case under the name Hymettus Estate, closed prior to the Proposed 19 Unit Subdivision case. According to the Phase I ESA, soil excavation was conducted at the facility and dieldrin-impacted soil was placed at the bottom of the excavated area. Additional remediation work was conducted to ensure that dieldrin-impacted soil was covered with 7 feet of non-impacted soil. The Proposed 19 Unit Subdivision

² Ibid.

³ Ibid.

3.7 Hazards and Hazardous Materials

case was closed under DEH oversight in October 2011 (Geocon 2022). Therefore, the site does not represent a REC relative to the project site.

Other Databases

As determined in the Phase I ESA, the project site is not listed in the databases searched in the regulatory database report. Several facilities within 0.5 miles of the project site were listed in various non-release databases (not indicative of a release of hazardous materials to the environment). These listings do not represent an environmental concern to the project site; refer to Appendix H-1 for additional discussion.

REGULATORY FRAMEWORK***Federal*****Emergency Planning Community Right-to-Know Act**

The Emergency Planning Community Right-to-Know Act requires infrastructure at the state or local level to plan for emergencies resulting from potential release of chemical materials. Any documented information pertaining to a specific release at a site is required to be made publicly available so that interested parties may become informed about potentially dangerous chemicals released in their community. Sections 301 through 312 of the act are administered by the US Environmental Protection Agency's Office of Emergency Management.

Hazardous Materials Transportation Act

Under Title 49 of the Code of Federal Regulations, the US Department of Transportation is responsible for regulating the transport of hazardous materials. The California Highway Patrol and the California Department of Transportation are primarily responsible for enforcing federal and state regulations pertaining to such activities and for responding to any related emergencies. These agencies are also responsible for necessary permitting for the transport of hazardous materials.

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.

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 2022). CalEPA and the SWRCB establish rules governing the use of hazardous materials and the management of hazardous waste. Applicable state and local laws include the following:

- Public Safety/Fire Regulations/Building Codes
- Hazardous Waste Control Law
- Hazardous Substances Information and Training Act
- Air Toxics Hot Spots and Emissions Inventory Law
- Underground Storage of Hazardous Substances Act
- Porter-Cologne Water Quality Control Act

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

3.7 Hazards and Hazardous Materials

include identification and use of proper construction standards, setbacks from property lines, and/or installation of specialized equipment.

State Fire Regulations

Fire regulations for California are established in Sections 13000 et seq. of the California Health and Safety Code, which includes regulations for structural standards (similar to those identified in the California Building Code), fire protection and public notification systems, fire protection devices such as extinguishers and smoke alarms, standards for high-rise structures and childcare facilities, and fire suppression training. The state Fire Marshal is responsible for enforcement of these established regulations and building standards for all state-owned buildings, state-occupied buildings, and state institutions in California.

Government Code Section 65962.5(a), Cortese List

The California Hazardous Waste and Substances Site List (also known as the Cortese List) is a planning document used by state and local agencies and by private developers to comply with CEQA requirements in providing information about the location of hazardous materials sites. California Government Code Section 65962.5 requires CalEPA to annually update the Cortese List. The DTSC is responsible for preparing a portion of the information that comprises the Cortese List. Other state and local government agencies are required to provide additional hazardous material release information that is part of the complete list.

The EnviroStor database constitutes the DTSC's component of Cortese List data by identifying state response sites, federal Superfund sites, school cleanup sites, and voluntary cleanup sites. EnviroStor identifies sites that have known contamination or sites for which further investigation is warranted. It also identifies facilities that are authorized to treat, store, dispose, or transfer hazardous waste (DTSC 2020).

Strategic Fire Plan for California

The 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.

Regional

San Diego County, Site Assessment, and Mitigation Program

The San Diego County DEH maintains the SAM list of contaminated sites that have previously or are currently undergoing environmental investigations and/or remedial actions. The primary purpose of the county's SAM program is to protect human health, water resources, and the environment in the county by providing oversight of assessments and cleanups in accordance with the California Health and Safety Code and the California Code of Regulations. The Voluntary Assistance Program also includes information on staff consultation, project oversight, and technical or environmental report evaluation and concurrence (when appropriate) on projects pertaining to properties contaminated with hazardous substances.

Certified Unified Program Agency

The County of San Diego is the Certified Unified Program Agency (CUPA) for the project site. The Unified Program's goal is to achieve consistency, consolidation, and coordination in the regulation of six state-regulated environmental programs through education, community and industry outreach, inspections, and enforcement.

A CUPA is the agency responsible for the implementation and regulation of the Unified Program. The County DEH, Hazardous Materials Division, has been the CUPA for San Diego County since 1996. All inspectors in the CUPA program are trained environmental health specialists who take part in a continuous education program to ensure consistency and uniformity during inspections.

San Diego County Multi-Jurisdictional Hazard Mitigation Plan

The purpose of the County's Multi-Jurisdictional Hazard Mitigation Plan is to identify the county's hazards, review and assess past disaster occurrences, estimate the probability of future occurrences, and set goals to mitigate potential risks to reduce or eliminate long-term risk to people and property from natural and man-made hazards. The City of Encinitas participates in

3.7 Hazards and Hazardous Materials

the Multi-Jurisdictional Hazard Mitigation Plan. An important component of the plan is the Community Emergency Response Team, which educates community members about disaster preparedness and trains them in basic response skills, such as fire safety, light search and rescue, and disaster medical operations. The City is one of 20 jurisdictions that support and participate on the team.

San Diego County Department of Environmental Health

The DEH is responsible for protecting and maintaining public health and environmental quality. The department provides public education and outreach programs to promote environmental awareness of potentially hazardous issues while ensuring the implementation and enforcement of local, state, and federal environmental laws, as appropriate. The DEH is generally responsible for ongoing oversight and regulation of food safety, public housing, public swimming pools, small-scale public drinking water systems, mobile home parks, on-site wastewater systems, recreational water, storage tanks and related remediation activities, and proper handling and disposal of medical and hazardous materials and waste.

Local**City of Encinitas General Plan**

The City of Encinitas General Plan (1991) is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life within the City of Encinitas. The Encinitas General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses within the community. The relevant goals and policies for the project include:

Resource Management Element

GOAL 13: **Create a desirable, healthful, and comfortable environment for living while preserving Encinitas' unique natural resources by encouraging land use policies that will preserve the environment. (Coastal Act/30250/30251)**

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

Public Safety Element

GOAL 1: **Public health and safety will be considered in future land use planning. (Coastal Act/30253).**

Policy 1.13: In areas identified as susceptible to brush or wildfire hazard, the City shall provide for construction standards to reduce structural susceptibility and increase protection. Brush clearance around structures for fire safety shall not exceed a 30-foot perimeter in areas of native or significant brush, and as provided by Resource Management Policy 10.1.

Policy 2.4: Setbacks, easements, and accesses, necessary to assure that emergency services can function with available equipment, shall be required and maintained.

Policy 3.6: The City shall cooperate with the efforts of the County Department of Health, Hazardous Waste Management Division to inventory and properly regulate land uses involving hazardous wastes and materials.

Housing Element

Policy 3.1: Where determined to be dangerous to the public health and safety, substandard units in the City shall be repaired so that they will comply with the applicable building, safety and housing codes. When compliance through repair is not of cannot be achieved, abatement of substandard units shall be achieved.

City of Encinitas Municipal Code

Toxic Materials, Fire, and Explosion Hazards

Section 30.40.010 of the City of Encinitas Municipal Code states: "All storage, use, transportation and disposal of toxic, flammable, or explosive materials shall be performed in compliance with the California Hazardous Substance Act and in accordance with guidelines issued by the County of San Diego Department of Health Services, Hazardous Materials Division on Hazardous Waste Requirements. All activities involving toxic, flammable, or explosive materials shall be provided and conducted with adequate safety and fire suppression devices as specified by the Fire District and per the City's adopted fire code."

Fire Code

Title 10 of the Municipal Code provides regulations regarding fire prevention in the city and adopts the California Fire Code. The Fire Hazard Severity Zone map is adopted through City Code Chapter 10.02 – Fire Map and is used by several City departments for hazard planning, mitigation and response, land use planning, and in the development review process.

3.7 Hazards and Hazardous Materials

Landscape/Brush Management Regulations

The California Fire Code Title 19, Division 1, Section 3.07(b) requires that a distance of not less than 30 feet be kept clear of all flammable vegetation or combustible growth around all buildings and structures. If conditions are considered a high fire danger, a distance of 30 feet to 100 feet should be kept clear of all bush, flammable vegetation, or combustible growth around all buildings and structures.

The City of Encinitas Design Guidelines (2005) contain landscape guidelines intended to maintain the landscape character of the City. Guideline 7.3.17 indicates that fire retardant/resistant plants shall be used when consistent with fire standards in areas adjacent to natural open space areas and/or fire sensitive areas.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

In accordance with the State CEQA Guidelines, the effects of a project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary depending on the nature of the project. According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact related to hazards and hazardous materials if it would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
5. Result in a safety hazard or excessive noise for people residing or working in the project area for a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.

6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

PROJECT IMPACTS AND MITIGATION

Impacts related to hazards and hazardous materials are analyzed below according to topic. Mitigation measures directly correspond with an identified impact, where applicable.

HAZARDS RELATED TO THE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS

Impact 3.7-1	The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant.
---------------------	---

Construction

Project construction may result in temporary hazards related to the transport and use of hazardous materials, including those used for construction vehicle use and maintenance (e.g., diesel fuel, motor oil). The Storm Water Pollution Prevention Plan (SWPPP) prepared for the project would include standard provisions to avoid significant effects associated with the use of such materials. With implementation of a SWPPP, impacts would be **less than significant**.

Operations

The routine transport, use, and disposal of hazardous materials can result in potential hazards to the public through accidental release. However, these hazards are typically associated with certain types of land uses, such as chemical manufacturing facilities, industrial processes, waste disposal, and storage and distribution facilities. None of these uses are proposed by the project; rather, the project would consist of 149 residential townhomes and associated amenities including a pool, spa, pool house, fire pit with seating, and lounge seating.

Once the project is operational, hazardous material use associated with the residences, including landscaping and maintenance activities, would be limited to private use of commercially available cleaning products, landscaping chemicals and fertilizers, and use of various other commercially available substances. However, the on-site pool would require application of common pool chemicals that may be hazardous. Development of the project site is therefore anticipated to result in use of commercially available potentially hazardous materials or chemicals.

3.7 Hazards and Hazardous Materials

Proposition 65 requires businesses to provide warnings to Californians about significant exposures to chemicals that cause cancer, birth defects or other reproductive harm. These chemicals can be in the products that Californians purchase, in their homes or workplaces, or released into the environment. As such, Proposition 65 warning stickers would be placed in areas where on-site hazardous materials are stored. Chemicals stored on-site for routine pool and landscaping maintenance would be below the 55-gallon threshold set by California Governor's Office of Emergency Services (CalOES), and therefore, the project is not required to prepare a Hazardous Materials Business Plan (CalOES 2022).

The project would be subject to applicable federal, state, and local health and safety laws and regulations intended to minimize health risk to the public associated with hazardous materials. With adherence to such laws and regulations, the project would not result in the routine transport, use, or disposal of hazardous materials. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

HAZARDS RELATED TO THE ACCIDENTAL RELEASE OF HAZARDOUS MATERIALS

Impact 3.7-2	The project would have the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Impacts would be less than significant.
---------------------	---

Short-Term Impacts

Project construction activities could result in the transport, use, and disposal of hazardous materials such as gasoline fuels, asphalt, lubricants, paint, and solvents. Although care will be taken to transport, use, and dispose of small quantities of these materials by licensed professionals, there is a possibility that upset or accidental conditions may arise which could release hazardous materials into the environment. Accidental releases of hazardous materials are those releases that are unforeseen or that result from unforeseen circumstances, while reasonably foreseeable upset conditions are those release or exposure events that can be anticipated and planned for.

Project construction activities would occur in accordance with all applicable local standards adopted by the City of Encinitas, as well as state and federal health and safety requirements intended to minimize hazardous materials risk to the public, such as Cal/OSHA requirements, the Hazardous Waste Control Act, the California Accidental Release Protection Program, and the California Health and Safety Code.

Stormwater runoff from the site, under both construction and post-construction development conditions, would be avoided through compliance with National Pollutant Discharge Elimination System (NPDES) regulations administered by the San Diego Regional Water Quality Control Board (RWQCB). The project is required to prepare and implement a Construction General Storm Water Permit (Order 2012-0006-DWQ) and SWPPP (refer to Section 3.8, Hydrology and Water Quality). The SWPPP is also required as part of the grading permit submittal package. The contractor would be required to implement such regulations related to the transport, handling, and disposal of any hazardous materials, including the use of standard construction controls and safety procedures that would avoid or minimize the potential for accidental release of such substances into the environment. Standard construction practices would be observed such that any materials released are appropriately contained and remediated as required by local and state laws.

Based on the results of the Phase I ESA, there are no RECs associated with the project site. Additionally, a Phase II investigation was performed to determine whether pesticides and/or arsenic related to past prior agricultural use of the site were present in on-site soils. No evidence of any RECs in connection with the site was identified during the soil testing (Geocon 2021). Additionally, as the site is presently undeveloped, the potential for hazards such as lead-based paint or asbestos to be exposed or encountered during site development does not exist. Based on the findings of the Phase I and II assessments, it was concluded that no additional environmental assessment of the site or surrounding properties was warranted (Geocon 2021).

Project compliance with applicable federal, state, and local regulations would ensure that the project does not have the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Impacts would be **less than significant**.

Long-Term Impacts

The project proposes a mixture of residential uses, passive and active recreational uses, sewer/water connections, and access/circulation improvements typical of residential development. Due to their nature, these uses are not generally expected to involve the routine transport, use, or disposal of hazardous materials in substantial quantities.

Once the proposed project is operational, hazardous material use associated with the residences, recreational uses, landscaping, and maintenance would be limited to private use of commercially available cleaning products, landscaping chemicals and fertilizers, and various other commercially available substances. Development of the site is therefore anticipated to result in use of commercially available potentially hazardous materials or chemicals. The use of these substances, expected to be in relatively small quantities, would be typical for residential uses and landscape maintenance, and would be subject to applicable federal, state, and local health and

3.7 Hazards and Hazardous Materials

safety laws and regulations intended to minimize health risk to the public associated with hazardous materials.

Adherence to existing regulations would ensure compliance with safety standards related to the use and storage of hazardous materials and with the safety procedures mandated by applicable federal, state, and local laws and regulations. Project conformance with existing local, state, and federal regulations pertaining to the routine transport, use, storage, or disposal of hazardous materials or hazardous wastes would ensure that potential adverse effects are minimized and that such substances are handled appropriately in the event of accidental release. Therefore, operational impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EMIT HAZARDOUS EMISSIONS OR HANDLE HAZARDOUS MATERIALS NEAR AN EXISTING OR PROPOSED SCHOOL

Impact 3.7-3 **The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Impacts would be less than significant.**

The nearest school to the project site is the Capri Elementary School located at 941 Capri Road, approximately 0.4 miles southeast of the project site in Encinitas. The project proposes future residential development of the site, with supporting amenities; no land uses with operations that would generate substantial hazardous emissions or the need to handle hazardous or acutely hazardous materials, substances, or waste are anticipated to occur.

Therefore, the project would not result in a significant impact relative to hazardous emissions or the handling of hazardous materials within the vicinity of area schools. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

BE LOCATED ON A HAZARDOUS MATERIALS SITE

Impact 3.7-4 **The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code**

Section 65962.5 and, as a result, it would not create significant hazard to the public or the environment. Impacts would be less than significant.

As mentioned above, a search of government hazardous materials databases (GeoTracker, EnviroStor) identified two facilities in the project vicinity that were identified pursuant to Government Code Section 65962.5; refer to Table 3.7-1, Environmental Database Records Search Results. However, analysis in the Phase I ESA and review of the GeoTracker and EnviroStor databases concluded that these sites do not represent an environmental concern to the project site or surrounding properties due to the status of the cases, distance from the project site, and/or location relative to the project site (i.e., based on being hydrogeologically down- or cross-gradient) (Geocon 2022).

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and would not create a significant hazard to the public or the environment in this regard. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SAFETY HAZARD RELATED TO A PUBLIC AIRPORT OR PRIVATE AIRSTRIP

Impact 3.7-5 **The project is not located within an airport land use plan and is not located within 2 miles of a public airport or public use airport. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. No impact would occur.**

There are no public or private airports located within 2 miles of the project site and the project site is not within the boundaries of an airport land use plan. The closest (public) airport is McClellan-Palomar Airport, located approximately 3.1 miles northeast in the City of Carlsbad. No private airstrips are located in the project vicinity. As such, 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.

Mitigation Measures: None required.

Level of Significance: No impact.

INTERFERE WITH AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN

Impact 3.7-6 The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

The project site is located in a developed urban area surrounded by residential uses and open space. According to the Cal Fire Encinitas Fire Hazard Severity Zone Map, the entire proposed off-site preserve area and the northern portion of the project site are identified as being in a Very High Fire Hazard Severity Zone in a Local Responsibility Area, and therefore, the site is considered to have an increased potential for the occurrence of wildfire events (CalFire n.d.).

Emergency response and evacuation within Encinitas is the responsibility of the City of Encinitas Fire Department. The Disaster Preparedness Division of the Fire Department develops emergency procedures, activities, and disaster operation plans to be implemented in the event of a natural or man-made emergency (City of Encinitas 2016). Additionally, 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.

Emergency access to the project site would be provided from Piraeus Street and Plato Place. [The project does not propose ingress/egress at Plato Drive; the access drive would be gated at its intersection with Plato Place and would be restricted to use by emergency vehicles only via a Knox Box. No project traffic would leave or enter the site at this point.](#)

Improvements are proposed to provide adequate ingress/egress to/from the site and to ensure that activities associated with the project do not impede the free movement of emergency response vehicles, as well as other vehicles, along local roadways. The project site is not identified as being located along an established route for wildfire evacuation (City of Encinitas n.d.), and therefore, would not be anticipated to interfere with emergency response in this regard.

During construction, materials would be placed within the project boundaries adjacent to the current phase of construction to avoid any access conflicts in case of emergency evacuations. 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. Construction activities occurring within the project site would comply with all adopted conditions, including grading permit conditions regarding lay-down and fire access, and would not restrict access for emergency vehicles responding to incidents on-site or in the surrounding area. It is anticipated that all vehicles and construction equipment would be staged on-site, off of adjacent public roadways, and would therefore not block any established emergency access routes.

During project operations, existing off-site roadways would be adequate to serve the development for purposes of emergency evacuation in the event of a wildfire. Further, the project would not interfere with the ability of the San Diego County Sheriff's Department, which serves the project site, to safely evacuate the area in the event of an emergency (see Section 3.11, Public Services and Recreation, and Section 3.12, Transportation). The project has been designed in conformance with City Fire Department access and roadway design requirements related to fire prevention and is subject to approval by the City's Planning Division to ensure that public safety and adequate vehicular circulation can be maintained over the long term.

Therefore, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

WILDLAND FIRE

Impact 3.7-7 **The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. Impacts would be less than significant.**

The project site is located in a developed urbanized area generally surrounded by existing residential uses, undeveloped land, Batiquitos Lagoon, and infrastructure improvements (e.g., Interstate 5). According to the Cal Fire Encinitas Very High Fire Hazard Severity Zones in Local Responsibility Area Map (Cal Fire n.d.), the northern portion of the project site is located in a designated Very High Fire Hazard Severity Zone (VHFHSZ). Similarly, the proposed off-site preserve land, which adjoins the project site to the north, is identified as being within a designated VHFHSZ (Cal Fire n.d.).

As discussed in Section 3.15, Wildfire, a Fire Protection Plan was prepared by FIREWISE (2022) for the project to evaluate the potential risk of wildfire relative to the project setting and design. As determined, the proposed fuel modification treatments; irrigated landscaping; use of ignition-resistant building materials; and additional required construction features recommended in the Fire Protection Plan would mitigate the potential loss of any structures due to direct fire impingement or radiant heat around the perimeter of the residential uses to a level of less than significant (FIREWISE 2022); refer to Section 3.15, Wildfire, and Appendix O for discussion.

Additionally, the proposed structures would be required to meet applicable wildland/interface standards to the satisfaction of the Encinitas Fire Department and would be designed consistent

3.7 Hazards and Hazardous Materials

with ignition-resistant building construction requirements. All construction and ignition-resistant requirements would meet the current International Wildland-Urban Interface Code and amendments; City of Encinitas Ordinances 2019-27 and 2021-08; and the California Fire and Building Codes. Additionally, all on-site structures, including garages, would be required to incorporate automatic fire sprinkler systems and all accessory structures such as decks, balconies, patios, covers, gazebos, and fences would be constructed from non-combustible or ignition-resistant materials.

During occupancy and operations, the project may introduce potential ignition sources including vehicles, gas- or electric-powered small hand tools (i.e., for maintenance), and standard substances used for routine household cleaning and landscaping maintenance. Such conditions are not anticipated to substantially exacerbate wildfire risks or increase the risk of exposure of residents to associated pollutant concentrations.

The project would be constructed in compliance with access and design requirements of the City of Encinitas Fire Department (conditions of approval) and recommendations of the Fire Protection Plan. Further, the project would be subject to payment of public safety services impact fees (refer to Section 3.11, Public Services and Recreation) to ensure that risks from wildfire are minimized.

Comprehensive safety measures that comply with federal, state, and local worker safety and fire protection codes and regulations would also be implemented for the proposed project; refer to Section 3.15, Wildfire. Incorporation of such measures would minimize the occurrence of fire during construction and for the life of the proposed project.

The project would be designed in compliance with recommendations of the City Fire Department related to fire prevention and subject to approval by the City's Planning Division. For the reasons above, the project would not expose people or structures to a significant risk of loss, injury, or death from wildfires. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.3-8 **The project would not result in a significant cumulative impact related to hazards and hazardous materials. Impacts would be less than cumulatively considerable.**

Geographic Scope

Similar to other potential impacts, such as those related to geology and soils, risks related to hazards and hazardous materials are typically localized or site-specific in nature because they tend to be related to on-site existing hazardous conditions and/or hazards related to a project's construction or operational activities. The geographic scope when considering cumulative impacts from hazards and hazardous materials includes specific projects identified in Tables 3.0-1 and 3.0-2, as well as Figure 3.0-1, in Section 3.0 of this EIR. The cumulative setting for hazards associated with the proposed project generally consists of existing and future land uses in Encinitas in proximity to the project site.

Potential Cumulative Impacts

Impacts associated with hazardous materials are generally site-specific. As mentioned above, the proposed project would be required to comply with all applicable federal, state, and local regulations pertaining to the transport, handling, and disposal of hazardous materials and substances. Construction activities occurring within the project site would not restrict access for emergency vehicles that would respond to incidents on the site or in surrounding areas.

The City of Encinitas Fire Department would review proposed development plans prior to project approval to ensure adequate emergency access and circulation. Additionally, any subsequent projects would be required to coordinate with the City of Encinitas and the City Fire Department to ensure that they do not impede the implementation of an emergency plan or prevent emergency access in the affected area.

As mentioned under Impact 3.7-7, a portion of the project site is located in a zone designated as a VHFHSZ (Cal Fire n.d.). The proposed project would not expose people or structures to a significant risk of loss, injury, or death from wildfires as the project would be designed to reduce the risk of hazards from a wildfire event through establishment and ongoing maintenance of fuel modification zones and other building design measures. Measures as recommended in the Fire Protection Plan prepared for the project would be implemented to reduce the potential for wildfire risk or spread; refer to Section 3.15, Wildfire, and Appendix O for additional discussion. Additionally, the project would be designed in compliance with guidelines from the City Fire Department related to fire prevention and subject to approval by the City's Planning Division. While other areas in the City are designated as VHFHSZs, cumulative projects located in such

3.7 Hazards and Hazardous Materials

areas would similarly be required to implement mitigation (or design) measures to reduce the risk of wildfire occurrence and spread, such as buffering on-site uses and establishment of fuel modification zones, and would be subject to Fire Department and City review relative to conformance with applicable regulations.

As with the proposed project, the cumulative projects listed in Tables 3.0-1 and 3.0-2 would be required to avoid and/or mitigate impacts relative to hazards and hazardous materials. The project would involve the storage, use, disposal, and transport of limited amounts of hazardous materials to varying degrees during construction and operation/occupancy. Impacts from these activities are anticipated to be less than significant, and similar development projects would also be required to comply with applicable federal, state, and local regulations and policies to avoid or minimize any such potential hazards.

Further, the potential for any future development within the cumulative study area to be located on a known (listed) hazardous materials site, or that would result in hazardous emissions or require the handling of hazardous materials or waste in proximity to local schools, would be evaluated on a project-specific basis. Any such impacts determined to be significant would be reduced to the extent feasible via incorporation of appropriate design or mitigation measures.

For the reasons above, the proposed project, in combination with other reasonably foreseeable development projects in the surrounding area, would not result in a significant impact relative to hazards and hazardous materials. The project's contribution to a significant cumulative impact would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

Section 3.8

Hydrology and Water Quality

This section describes regulations related to hydrology and water quality in the project area, identifies criteria for impacts on hydrology and water quality, and evaluates potential impacts associated with the proposed project. Information in this section is based on hydrology and water quality information obtained from the *Preliminary Hydrology Study* (2022a, 2023a; Appendix I-1) and the *Preliminary Stormwater Quality Management Plan* (SWQMP) (2022b, 2023b; Appendix I-2), both prepared by Pasco Laret Suiter & Associates (PLSA). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018). Third party technical reports were peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Regional Watershed Hydrology

The City of Encinitas is located entirely within the Carlsbad Watershed Management Area (WMA), which is approximately 211 square miles and is formed by a group of six distinct Hydrologic Areas (HA)s: Loma Alta, Buena Vista Creek, Agua Hedionda, Encinas, San Marcos Creek, and Escondido Creek; all of which have separate points of discharge individual watersheds in northern San Diego County (Carlsbad Watershed Management Area Responsible Agencies 2018). The Carlsbad watershed is known for its numerous lagoons, including four unique coastal lagoons: Buena Vista Lagoon, Aqua Hedionda Lagoon, Batiquitos Lagoon, and San Elijo Lagoon. The City of Encinitas also located within the Carlsbad Hydrologic Unit, specifically the San Marcos Hydrologic Area Batiquitos Subunit (904.51).

The Batiquitos Lagoon watershed is approximately 52 square miles and is drained by three stream systems that empty into the eastern end of the lagoon. San Marcos Creek is a major tributary and is dammed at Lake San Marcos within 5 miles of the lagoon. An unnamed tributary joins San Marcos Creek less than 1 mile upstream of the lagoon, and this small tributary drains a small area to the northeast. At the mouth of the San Marcos Creek, Batiquitos Lagoon enters the Pacific Ocean between the community of Leucadia, which is part of the City of Encinitas and the City of Carlsbad. Water levels in the lagoon are controlled by tidal waters entering and exiting through the lagoon's outlet. The lagoon is divided by several transportation corridors into Eastern, Central and Western Basins.

Groundwater

A groundwater basin is generally defined as a hydrogeologic unit containing one large aquifer as well as several connected and interrelated aquifers which have reasonably well-defined

3.8 Hydrology and Water Quality

boundaries. All major drainage basins in the San Diego region contain groundwater basins that are typically described as small in area and shallow. There are four groundwater basins in the County that are subject to the Sustainable Groundwater Management Act: Borrego Valley, San Diego River Valley, San Luis Rey Valley, and San Pasqual Valley. The project is not located within one of these groundwater basins (County of San Diego 2020). The nearest basin, San Pasqual Valley, is approximately 11 miles east of the project site. According to the geotechnical investigations for the project site, groundwater occurs at depths greater than 56.5 feet below ground surface (bgs).

Local Setting

Local Surface Water and Drainage

Stormwater discharges flow into various locations within Batiquitos Lagoon. Local surface drains discharge to the lagoon from Interstate 5 (I-5), La Costa Boulevard, El Camino Real, and residential streets adjacent to the lagoon. Caltrans has constructed a stormwater basin adjacent to the La Costa exit ramp off I-5. This stormwater basin has been designed to treat stormwater from I-5 prior to discharge to the Central and East Basins of the lagoon. Another significant stormwater outfall is located on the northern portion of the Eastern Basin that discharges stormwater from the Aviara community and golf course detention basin. Stormwater discharges also occur in the northeastern corner of the Eastern Basin from the developments bordering Alga Boulevard (City of Encinitas 2016).

Under current conditions, the majority of the project site drains north via surface/sheet flow before entering an existing storm drain conveyance system at the northwest corner of the property. Once in the storm drain system, runoff from the northeastern and central portions of the proposed project site flows to the west, crossing I-5 into an earthen ditch. The remainder of the site flows south via surface/sheet flow and enters the existing storm drain system at the southwest corner of the property. The existing system carries runoff across I-5 and discharges into an existing concrete lined ditch where it combines with runoff from the northeastern and central portions of the site. From this point, drainage from both basins continues north until it reaches Batiquitos Lagoon, and eventually, the Pacific Ocean. Refer to Figure 3.8-1, Hydrology – Existing Condition.

The Water Quality Control Plan for the San Diego Basin (Basin Plan) designates the following beneficial uses associated with Batiquitos Lagoon: Contact Water Recreation (REC-1); Non-contact Water Recreation (REC-2); Preservation of Biological Habitats of Special Significance (BIOL), Estuarine Habitat (EST); Wildlife Habitat (WILD), Rare, Threatened and Endangered Species (RARE), Marine Habitat (MAR), Migration of Aquatic Organisms (MIGR); and Spawning, Reproduction and/or Early Development (SPWN) (SDRWQCB 2016). The take of all living marine

resources is prohibited within the protected SMCA portion of Batiquitos Lagoon. Boating, swimming, wading, and diving are also prohibited within the conservation area.

The mouth of Batiquitos Lagoon enters the Pacific Ocean at South Ponto located at the south end of South Carlsbad State Beach. The beneficial uses of the ocean waters along this stretch of beach include industrial water supply; REC-1 and REC-2, BIOL, aesthetic enjoyment; navigation; commercial and sport fishing; mariculture; rare and endangered species; marine habitat; fish migration; fish spawning and shellfish harvesting.

Flooding

As illustrated on Federal Emergency Management Agency (FEMA) map panel 06073C1033H, FEMA has not mapped any Special Flood Hazard Areas through the project corridor, which is designated as being in Zone X (Area of Minimal Flood Hazard) (FEMA 2021). The project site is therefore determined to be outside of the FEMA-mapped 100-year floodplain and the potential for flooding to occur is minimal.

Groundwater Quality

A groundwater basin is generally defined as a hydrogeologic unit containing one large aquifer as well as several connected and interrelated aquifers which have reasonably well-defined boundaries. All major drainage basins in the San Diego region contain groundwater basins that are typically described as small in area and shallow. The project site is not located within a groundwater basin.

Water Quality

Runoff is a term used to describe any water that drains or runs off of a defined land area into a waterway. Runoff can be the result of rain, in which case it is also sometimes referred to as storm water. Runoff can also result from various other sources or activities such as irrigation, hosing down of areas, wash water from cleaning, leaks in pipes, and air conditioner condensation. General hydrologic characteristics, land uses, and activities that involve pollutants have the greatest influence on the water quality runoff from a given area.

In general, stormwater can potentially contain a host of pollutants such as trash and debris, bacteria and viruses, oil and grease, sediments, nutrients, metals, and toxic chemicals. These contaminants can adversely affect receiving and coastal waters, flora and fauna, and public health. Water quality issues are especially prevalent during rainy periods. However, with non-stormwater urban runoff (i.e., irrigation or car washing) also entering the storm drain system, stormwater pollution can be a year-round problem.

3.8 Hydrology and Water Quality

Constituents of concern (COCs) found in urban runoff include sediments, non-sediment solids, nutrients, pathogens, oxygen-demanding substances, petroleum hydrocarbons, heavy metals, floatables, polycyclic aromatic hydrocarbons (PAHs), trash, pesticides, and herbicides. These contaminants can adversely affect receiving and coastal waters, flora and fauna, and public health.

Batiquitos Lagoon, the main receiving water for the project area is a 303(d) water body impaired for toxicity. Batiquitos Lagoon was first listed as impaired by the San Diego Regional Board in the 2014 and 2016 Integrated Report (303(d) List/305(b) Report) for toxicity (sediment). The source for the toxicity impairment is listed as unknown; however, the common sources of this pollutant type include contaminants from residential and commercial areas, industrial activities, construction, streets and parking lots.

Seiche and Tsunami

A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. Seiches are of concern relative to water storage facilities, because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam, or other artificial body of water. Tsunamis are a type of earthquake-induced flooding that is produced by large-scale sudden disturbances of the sea floor. Tsunamis interact with the shallow sea floor topography upon approaching a landmass, resulting in an increase in wave height and a destructive wave surge into low-lying coastal areas.

According to the California Emergency Management Agency Tsunami Inundation Map for Emergency Planning- County of San Diego-Encinitas Quadrangle, the site is not located in a tsunami inundation area, and therefore, it is not anticipated that inundation due to tsunami would occur (California Emergency Management Agency 2009).

REGULATORY FRAMEWORK

Federal

National Flood Insurance Program

FEMA oversees floodplains and administers the National Flood Insurance Program (NFIP) adopted under the National Flood Insurance Act of 1968. The program makes federally subsidized flood insurance available to property owners in communities that participate in the program. Areas of special flood hazard (those subject to inundation by a 100-year flood) are identified by FEMA through regulatory flood maps titled Flood Insurance Rate Maps. The NFIP mandates that development cannot occur within the regulatory floodplain (typically the 100-year floodplain) if

that development results in an increase of more than 1-foot elevation. In addition, development is not allowed in delineated floodways within the regulatory floodplain.

Clean Water Act

The Clean Water Act (CWA) gives states the primary responsibility for protecting and restoring water quality. In California, the State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCB) are the agencies with the primary responsibility for implementing federal CWA requirements, including developing and implementing programs to achieve water quality standards. Water quality standards include designated beneficial uses of water bodies, criteria or objectives (numeric or narrative) which are protective of those beneficial uses, and policies to limit the degradation of water bodies. The project site is in an area of the state regulated by the San Diego RWQCB.

Section 401, Water Quality Certification

CWA Section 401 requires that, prior to issuance of any federal permit or license, any activity (including river or stream crossing during road, pipeline, or transmission line construction) that may result in discharges into waters of the United States must be certified by the state, as administered by the RWQCB. This certification ensures that the proposed activity does not violate state and/or federal water quality standards.

Section 402, National Pollutant Discharge Elimination System (NPDES)

CWA Section 402 authorizes the SWRCB to issue a NPDES Construction General Storm Water Permit (Order 2012-0006-DWQ), referred to as the Construction General Permit. NPDES regulations in Encinitas are administered by the San Diego RWQCB. Disturbance of 1 or more acre triggers NPDES coverage under the Construction General Permit, which requires:

- Filing of a Notice of Intent (NOI) with the SWRCB;
- Implementation of a stormwater pollution prevention plan (SWPPP) that specifies best management practices (BMPs) to prevent grading/construction-related pollutants (including sediment from erosion) from contacting stormwater and moving off-site into receiving waters, as well as elimination/reduction of non-stormwater discharges; and
- Inspections of all BMPs.

The Construction General Permit also contains requirements for post-construction stormwater management in the form of long-term BMPs, particularly for impervious surface runoff.

3.8 Hydrology and Water Quality

Section 404, Discharge of Dredged or Fill Materials

CWA Section 404 establishes programs to regulate the discharge of dredged and fill material into waters of the United States, including wetlands. For purposes of Section 404, the limits of non-tidal waters extend to the ordinary high water mark, established by the fluctuation of water and indicated by physical characteristics, such as the natural line impressed on the bank, changes in the character of the soil, and presence of debris flow. When an application for a Section 404 permit is made, the applicant must show that steps have been taken to avoid impacts to wetlands or waters of the United States where practicable, minimize unavoidable impacts on waters of the United States and wetlands, and provide mitigation for unavoidable impacts.

Section 404 requires a permit for construction activities involving placement of any kind of fill material into waters of the United States or wetlands. A Water Quality Certification pursuant to CWA Section 401 is required for Section 404 permit actions. If applicable, construction would also require a request for Water Quality Certification (or waiver thereof) from the San Diego RWQCB.

Section 303, Water Quality Standards and Implementation Plans

CWA Section 303(d) requires states to identify “impaired” water bodies as those which do not meet water quality standards. States are required to compile this information in a list and submit the list to the US Environmental Protection Agency (EPA) for review and approval. This list is known as the Section 303(d) List of Impaired Water Bodies. As part of this listing process, states are required to prioritize waters and watersheds for future development of total maximum daily load (TMDL) requirements. The SWRCB and RWQCBs have ongoing efforts to monitor and assess water quality, prepare the Section 303(d) list, and develop TMDL requirements.

Water bodies on the list have no further assimilative capacity for the identified pollutant, and the Section 303(d) list identifies priorities for development of pollution control plans for each listed water body and pollutant. The pollution control plans triggered by the CWA Section 303(d) list are called TMDLs. The TMDL is a “pollution budget” designed to restore the health of a polluted body of water and ensure the protection of beneficial uses. The TMDL also contains the target reductions needed to meet water quality standards and allocates those reductions among the pollutant sources in the watershed (point sources, nonpoint sources, and natural sources) (40 CFR 130.2). Currently, no TMDLs have been finalized for Batiquitos Lagoon. A TMDL for toxicity is anticipated in 2025.

Regulations governing the TMDL program (40 CFR 130.2 and 130.70) define the TMDL as the sum of the individual waste load allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources. When a jurisdiction discharges stormwater to an impaired water body, they may be asked to participate in or supply information for the TMDL development process for impaired waterbodies that do not yet have an approved TMDL. The participation in the TMDL

process will likely mean attending public meetings as a stakeholder and providing information related to the MS4 and associated stormwater discharges, such as outfall locations, drainage areas, types and locations of structural and non-structural BMPs, as well as the expected or measured pollutant load reductions from the BMPs. This information supports calculation of an accurate and reasonable WLA for individual dischargers.

State

Coastal Zone Act Reauthorization Amendments

While stormwater and urban runoff is regulated by the NPDES permitting program, virtually all other nonpoint sources are subject to the Coastal Nonpoint Pollution Control Program (CNPCP) under the Coastal Zone Act Reauthorization Amendments (CZARA). Section 6217 of the federal CZARA established the CNPCP, which requires the EPA to develop, and the states to implement, BMPs to control nonpoint source pollution in coastal waters. Pursuant to CZARA Section 6217(g), the six major categories of nonpoint sources addressed by the amendments are agriculture, forestry, urban areas, marinas, hydromodification projects, and wetlands.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act, in cooperation with the CWA, established the SWRCB. The SWRCB and the nine RWQCBs are responsible for protecting California's surface water and groundwater supplies. Section 13000 of the act directs each RWQCB to develop water quality control plans for all areas in its region, to designate the beneficial uses of California's rivers and groundwater basins; these plans are the basis for each board's regulatory program.

The Basin Plan gives direction on the beneficial uses of state waters in Region 9, describes the water quality that must be maintained to support such uses, and includes programs, projects, and other actions necessary to achieve the standards established in the Basin Plan. The Basin Plan defines water quality objectives for groundwater and inland surface waters. The Batiquitos Lagoon is categorized as a coastal water; therefore, the Basin Plan does not contain any water quality objectives that are specific to the lagoon.

Water quality objectives for coastal waters are contained in the State Board's Water Quality Control Plan for Ocean Waters of California (Ocean Plan). These objectives could be applied to Batiquitos Lagoon, but the San Diego RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose waste discharges may affect water quality. These requirements are state waste discharge requirements for discharge to land or federally delegated NPDES permits for discharges to surface water. Responsibility for implementing CWA Sections 401-402 and Section 303(d) is also outlined in the Porter-Cologne Water Quality Control Act.

Water Quality Improvement Plan for the Carlsbad Watershed Management Area

The water quality improvement plan (WQIP) for the Carlsbad Watershed is a comprehensive watershed-based program designed to improve surface water quality in the Carlsbad WMA, in receiving waters including four unique coastal lagoons, three major creeks, and two large water storage reservoirs, and at nearby beaches. It is required by Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100, NPDES No. CAS0109266, NPDES Permit and waste discharge requirements (WDRs) for Discharges from the municipal separate storm sewer systems (MS4s) draining the Watersheds within the San Diego region. The WQIP outlines a framework to improve the surface water quality in the Carlsbad WMA by identifying, prioritizing, and addressing impairments related to urban runoff discharges to protect, preserve, enhance, and restore water quality for beneficial recreational, wildlife, and other uses.

State Water Resources Control Board, Stormwater Construction General Permit

The five-member SWRCB allocates water rights, adjudicates water right disputes, develops statewide water protection plans, establishes water quality standards, and guides the nine RWQCBs in the major watersheds of the state. The joint authority of water allocation and water quality protection enables the SWRCB to provide comprehensive protection for California's waters.

In 1999, the state adopted the NPDES General Permit for Storm Water Discharges Associated with Construction Activities (Construction Activities General Permit) (SWRCB Order No. 2012-0006-DWQ, NPDES No. CAS000002). The Construction General Permit requires that construction sites with 1 acre or greater of soil disturbance, or less than 1 acre but part of a greater common plan of development, apply for coverage for discharges under the Construction General Permit by submitting an NOI for coverage, developing an SWPPP, and implementing BMPs to address construction site pollutants.

The SWPPP should contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list the BMPs that the discharger will use to protect stormwater runoff and the placement of those BMPs. The SWPPP must contain a visual monitoring program, a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Section A of the Construction General Permit describes the elements that must be contained in a SWPPP. Enrollment under the Construction General Permit is through the Stormwater Multiple Application and Report Tracking System. Additionally, the SWRCB is

responsible for implementing the CWA and issues NPDES permits to cities and counties through the individual regional boards.

Local

San Diego Regional MS4 Permit

The Regional Water Quality Control Board, San Diego Region (San Diego RWQCB) regulates discharges from Phase I municipal separate storm sewer systems (MS4s) in the San Diego Region under the Regional MS4 Permit. MS4 permits require cities and counties to develop and implement programs and measures to reduce the discharge of pollutants in stormwater to the maximum extent possible. This includes management practices, control techniques, system design and engineering methods, and other measures as appropriate.

As part of permit compliance, permit holders create stormwater management plans for their respective locations. These plans outline the requirements for municipal operations, industrial and commercial businesses, construction sites, and planning and land development. The requirements may include multiple measures to control pollutants in stormwater discharges. During implementation of specific projects under the program, project applicants are required to follow the guidance contained in the stormwater management plans, as defined by the permit holder in that location.

The Regional MS4 Permit covers 39 municipal, county government, and special district entities (referred to jointly as Copermittees) located in San Diego County, southern Orange County, and southwestern Riverside County who own and operate large MS4s which discharge stormwater (wet weather) runoff and non-stormwater (dry weather) runoff to surface waters throughout the San Diego region.

San Diego Municipal Storm Water Permit

This Municipal Storm Water Permit (Order R9-2015-0100) requires that each Watershed Management Area co-permittee covered under the permit prepare a Water Quality Improvement Plan that identifies priority and highest priority water quality conditions and strategies which will be implemented with associated goals to demonstrate progress toward addressing the conditions in the watershed.

In February 2016, the County of San Diego (as the Municipal Storm Water Permit permittee representing all cities in the county) approved a BMP Design Manual in accordance with the Municipal Storm Water Permit. The manual identifies mitigation strategies to protect stormwater quality for new development and significant redevelopment in the San Diego region. The manual outlines a template for municipalities in the region to follow in preparing their respective BMP

3.8 Hydrology and Water Quality

design manuals, and it establishes a series of source control, site design, and treatment control BMPs to be implemented by all priority development projects.

The City has a local BMP Design Manual, incorporated as Chapter 7 of the Engineering Design Manual, which was adapted from the County's BMP Design Manual and adopted in February 2016. The City's manual provides guidance on specific design measures to reduce development impacts with regard to treating stormwater runoff and maintaining water quality.

City of Encinitas Jurisdictional Runoff Management Program

The Jurisdictional Runoff Management Program sets forth strategies, standards, and protocols to address the priorities and goals established in the WQIP. The purpose of this document is to present an integrated programmatic approach to reducing the discharge of pollutants from the MS4 to the maximum extent practicable standard, and to protect and improve the quality of water bodies in Encinitas. It describes operational programs and activities developed to meet the requirements of Municipal Stormwater Permit and serves as the implementation mechanism for WQIP strategies. The highest-priority water quality conditions in the area are discharges of bacteria (City of Encinitas 2017).

Stormwater Standards Manual

The Stormwater Standards Manual was developed to be used in conjunction with the City Stormwater Management and Discharge Control Ordinance, codified as Encinitas Municipal Code (EMC) Chapter 20.08, and the water quality protection provisions of the City of Encinitas Grading, Erosion and Sediment Control Ordinance, codified as EMC Chapter 23.24. This Manual is not a stand-alone document, but must be read in conjunction with other parts of the Stormwater Ordinance and the Grading, Erosion, and Sediment Control Ordinance. In general, this Manual sets out in more detail, by project category, what dischargers must do to comply with the Ordinances. The Manual and the Ordinances have been prepared to provide the City with the legal authority necessary to comply with the requirements of San Diego Regional Water Quality Control Board (RWQCB) Order No. R9-2013-0001, as amended by Order No. R9-2015-0001.

City of Encinitas Best Management Practice Manual

The City has developed a local BMP Design Manual, incorporated as Chapter 7 of the Engineering Design Manual, which was adapted from the County's BMP Design Manual and adopted in 2016. The City's manual provides guidance on specific design measures to reduce development impacts with regard to treating stormwater runoff and maintaining water quality to ensure compliance with minimal local standards in conformance with the MS4 Permit.

City of Encinitas General Plan and Local Coastal Program

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

Land Use Element

Policy 2.8: Development shall not be permitted where it will result in significant degradation of ground, surface, or ocean water quality, or where it will result in significant increased risk of sewage overflows, spills, or similar accidents.

Local Coastal Program (from Land Use Element)

Policy 2.3: Growth will be managed in a manner that does not exceed the ability of the City, special districts and utilities to provide a desirable level of facilities and services.

Policy 2.8: Development shall not be permitted where it will result in significant degradation of ground, surface, or ocean water quality, or where it will result in significant increased risk of sewage overflows, spills, or similar accidents.

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development.

Public Safety Element

GOAL 2: The City of Encinitas will make an effort to minimize potential hazards to public health, safety, and welfare and to prevent the loss of life and damage to health and property resulting from both natural and [human-caused] phenomena.

Resource Management Element

Policy 2.1: In that ocean water quality conditions are of utmost importance, the City shall aggressively pursue the elimination of all forms of potential unacceptable pollution that threatens marine of human health.

Policy 2.2: In that the San Elijo ocean wastewater outfall lies within the jurisdiction of the City and the Encina outfall lies north of the City, the City shall

3.8 Hydrology and Water Quality

encourage the highest feasible level of treatment of said wastewater prior to entering the outfalls and continually encourage the reduction of volume of wastewater to said outfalls by this City and other jurisdictions.

Policy 2.3: To minimize harmful pollutants from entering the ocean environment from lagoons, streams, storm drains and other waterways containing potential contaminants, the City shall mandate the reduction or elimination of contaminants entering all such waterways; pursue measures to monitor the quality of such contaminated waterways, and pursue prosecution of intentional and grossly negligent polluters of such waterways.

City of Encinitas Municipal Code

Encinitas Municipal Code Chapter 20.08 (Stormwater Management and Discharge Control Ordinance) regulates discharges into the stormwater conveyance system and downstream receiving waters to preserve and enhance water quality for beneficial uses and protect the health, safety, and welfare of the public by:

- Prohibiting non-stormwater discharges to the stormwater conveyance system;
- Eliminating pollutants in stormwater to the maximum extent practicable, including pollutants from both point and nonpoint sources;
- Prohibiting activities which cause, or contribute to, exceedance of state and federal receiving water quality objectives; and
- Protecting watercourses from disturbance and pollution.

Chapter 20.08 establishes the City's legal authority to enforce a wide spectrum of stormwater and water quality related requirements and defines minimum BMP standards for various community sectors including residential, commercial, construction, municipal, and development activities.

Chapter 23.24 (Grading, Erosion and Sediment Control Ordinance) requirements that are applicable to drainage issues are as follows:

- Sections 23.24.150 and 23.24.160. The applicant must submit interim and final erosion and sediment control plans.
- Section 23.24.200. The applicant must submit a proposed schedule for installation of all interim and final erosion and sediment control measures.

- Section 23.24.370. Limits grading between October 1 of any year and April 15 of the following year, unless the plans for such work includes desilting basins or other temporary drainage or control measures.
- Section 23.24.380. Provides guidelines for erosion and sediment control measures during and following construction.

STANDARDS OF SIGNIFICANCE

Methodology

An assessment of hydrology and water quality impacts was prepared by evaluating the existing hydrology and water quality settings and comparing them to hydrology and water quality conditions that would occur with implementation of the proposed project. An evaluation of the significance of potential impacts on hydrology and water quality must consider both direct effects to the resource and indirect effects in a local or regional context. When considering the significance of an individual impact, the EIR considers the existing federal, state, and local regulations, laws, and policies in effect, including applicable General Plan policies. In addition, the impact analysis considers the project design features that have been incorporated into the project to avoid, reduce, or offset potential impacts.

Thresholds of Significance

The following thresholds of significance are based, in part, on CEQA Guidelines Appendix G. For the purposes of this EIR, the proposed project may have a significant adverse impact on hydrology and water quality if it would:

1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - a. Result in substantial erosion or siltation on- or off-site.
 - b. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

3.8 Hydrology and Water Quality

- c. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
 - d. Impede or redirect flood flows.
4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.
 5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

PROJECT IMPACTS AND MITIGATION***VIOLATION OF WATER QUALITY STANDARDS***

Impact 3.8-1 The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Impacts would be less than significant.

Stormwater runoff (both dry and wet weather) generally discharges into storm drains and/or flows directly to creeks, rivers, lakes, and the ocean. Polluted runoff can have harmful effects on drinking water, recreational water, and wildlife. Stormwater characteristics depend on site conditions (e.g., land use, impervious cover, pollution prevention, types and amounts of BMPs), rain events (duration, amount of rainfall, intensity, time between events), soil type and particle sizes, multiple chemical conditions, the amount of vehicular traffic, and atmospheric deposition. Major pollutants typically found in runoff include sediments, nutrients, oxygen-demanding substances, heavy metals, petroleum hydrocarbons, pathogens, and bacteria. The majority of stormwater discharges are considered nonpoint sources and are regulated by an NPDES Municipal General Permit or Construction General Permit.

A net effect of development can be to increase pollutant export over naturally occurring conditions to adjacent streams and to downstream receiving waters. However, an important consideration in evaluating stormwater quality from a site is to assess whether it impairs the beneficial use of the receiving waters. Receiving waters can assimilate a limited quantity of various constituent elements, but there are thresholds beyond which the measured amount becomes a pollutant and results in an undesirable impact.

Short-Term Construction

Following project construction, runoff from the majority of the site would flow to the proposed on-site storm drain system and be conveyed to the south to a proposed biofiltration basin located

adjacent to Plato Place. Once the runoff is treated and stored, it would be discharged into ~~the existing storm drain system near the very southwestern corner of the proposed project site~~ Piraeus Street via curb outlet. Runoff would then travel north and be collected by the existing inlet within Piraeus Street, located at the northwest corner of the site. Runoff generated from the (generally) northernmost and western portions of the proposed project site would primarily sheet flow west towards Piraeus Street where it would be collected in a concrete ditch and discharged into the same inlet near the northwest corner of the ~~proposed~~ project site. All runoff would converge within a concrete ditch to the west of I-5 before traveling north and discharging into Batiquitos Lagoon. Refer to Figure 3.8-2, Hydrology – Proposed Condition.

Potential water quality impacts associated with short-term grading and construction activities include discharge of construction-related sediment and hazardous materials (e.g., fuels). To ensure that construction activities do not cause water quality to be impaired, a SWPPP would be prepared and implemented. In accordance with the requirements of Section A of the Construction General Permit, the SWPPP would contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP would list the BMPs that would be used to protect stormwater runoff and the placement of those BMPs. Additionally, the SWPPP would contain a visual monitoring program, a chemical monitoring program for “non-visible” pollutants to be implemented if there is a failure of BMPs, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment.

Therefore, with implementation of BMPs during construction as required by the SWPPP, water quality impacts would be reduced or avoided. Project construction activities would not substantially degrade surface or ground water quality. Impacts would be **less than significant**.

Long-Term Occupancy and Operations

Potential pollutants due to long-term occupancy and operations of the proposed project include litter, trash, and debris; bacteria and viruses from pet feces; oil, grease, metals, and toxic chemicals from vehicle hydrocarbons; and sediments, nutrients, pesticides, and fertilizers from landscaped areas.

Under existing conditions, the majority of on-site drainage surface flows to an existing storm drain conveyance system at the northwestern portion of the project site. The remainder of the on-site drainage flows to an existing storm drain conveyance system at the southwestern portion of the project site. Drainage from these two systems eventually converge at a ditch to the west of I-5. Refer to Figure 3.8-1, Hydrology – Existing Condition. A pre- and post-development hydrology analysis of the existing system has been included as a part of Appendix I-1 to ensure

3.8 Hydrology and Water Quality

that the project would not adversely affect the existing storm drain system. Results of the off-site analysis and supporting calculations are provided in Appendix I-1.

As stated in the *Preliminary Hydrology Study*, runoff from drainage areas A-1 through A-18 would flow south and be discharged into a proposed biofiltration basin adjacent to the west of Plato Place. After being treated and stored on the project site, the runoff would be conveyed ~~south to an existing reinforced concrete pipe (POC-A) adjacent to the west of Plato Place, which drains to the west underneath I-5~~ to Piraeus Street via curb outlet. The runoff would then travel north and be discharged to an existing corrugated metal pipe to the northwest of the project site (POC-B), which drains to the west underneath I-5. Runoff generated in drainage areas B-1, ~~through B-6-2, and B-6~~ would flow north/west, enter a concrete ditch, and be discharged to ~~an the same existing~~ corrugated metal pipe to the northwest of the project site (POC-B), ~~which drains to the west underneath I-5.~~ Runoff generated in drainage areas B-3 through B-5, B-7 through B-9, and C-1 through C-2 would flow into Piraeus Street and then travel north to the same inlet (POC-B). Runoff from ~~these areas~~ drainage areas A-1 through A-18, B-1 through B-9, and C-1 through C-2 would converge to the west of I-5 within a concrete ditch and travel towards Batiquitos Lagoon; refer to Appendix I-1 and Figure 3.8-2, Hydrology – Proposed Condition.

The project proposes use of a biofiltration basin to meet the treatment and flow control requirements listed in the City of Encinitas BMP Manual for post-construction BMPs. As seen in Table 3.8-1, Peak Flow Rate Comparison - Unmitigated (100 Year, 6 Hour), the unmitigated peak flow from ~~the proposed on-site~~ drainage areas A-1 through A-18, ~~and B-1 through B-9, and C-1 through C-2~~ would exceed ~~or be equivalent to~~ flows under existing conditions. As shown in Table 3.8-2, Peak Flow Rate Comparison – Mitigated (100 Year, 6 Hour), post-development flows for ~~all proposed on-site~~ drainage areas A-1 through A-18, B-1 through B-9, and C-1 through C-2 would be reduced as compared to pre-development conditions.

To reduce flow rates, the project design includes an on-site biofiltration basin that would provide stormwater pollutant control to meet the requirements of the San Diego RWQCB municipal stormwater permit and City Stormwater standards. The biofiltration basin would also provide mitigation for the 6-hour, 100-year storm event peak discharge.

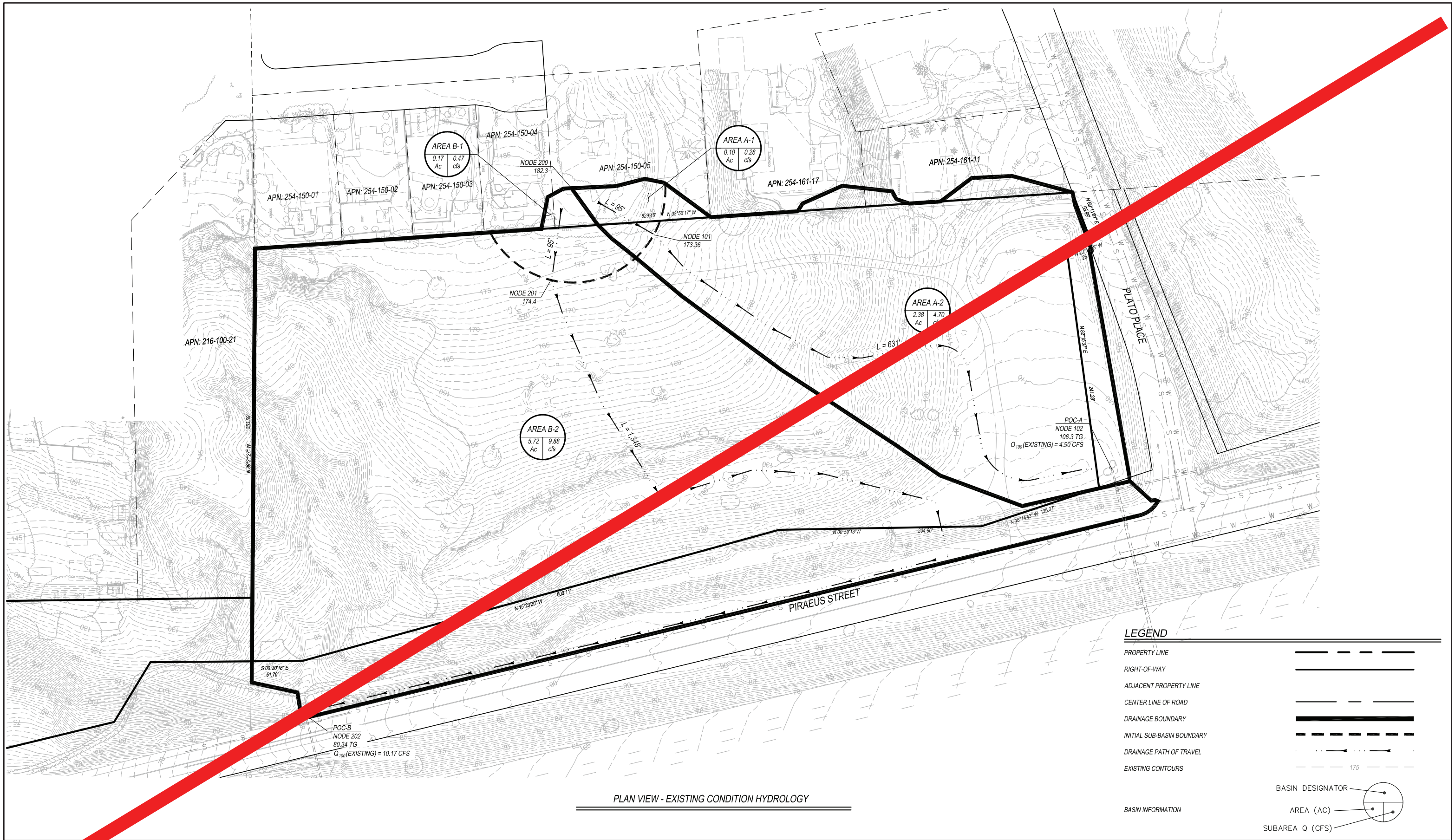
With incorporation of proposed site improvements and BMPs, the mitigated peak flow for drainage areas A-1 through A-18, B-1 through B-9, C-1 and C-2 would be approximately ~~0.127.64~~ cubic feet per second (cfs) when compared to existing conditions 12.13 cfs ~~(4.90 cfs)~~; refer to Table 3.8-2, Peak Flow Rate Comparison - Mitigated (100 Year, 6 Hour). ~~Similarly, the project would reduce stormwater flow rates for drainage areas B-1 through B-9 to approximately 4.83 cfs as compared to existing conditions (10.17 cfs).~~



PLAN VIEW - EXISTING CONDITION HYDROLOGY

LEGEND

PROPERTY LINE	---
RIGHT-OF-WAY	====
ADJACENT PROPERTY LINE	---
CENTER LINE OF ROAD	---
DRAINAGE BOUNDARY	————
INITIAL SUB-BASIN BOUNDARY	---
DRAINAGE PATH OF TRAVEL	→
EXISTING CONTOURS	175
BASIN DESIGNATOR	○
BASIN INFORMATION	○
	○
	○



PLAN VIEW - EXISTING CONDITION HYDROLOGY

LEGEND

- PROPERTY LINE
- RIGHT-OF-WAY
- ADJACENT PROPERTY LINE
- CENTER LINE OF ROAD
- DRAINAGE BOUNDARY
- INITIAL SUB-BASIN BOUNDARY
- DRAINAGE PATH OF TRAVEL
- EXISTING CONTOURS

BASIN DESIGNATOR

BASIN INFORMATION

- AREA (AC)
- SUBAREA Q (CFS)

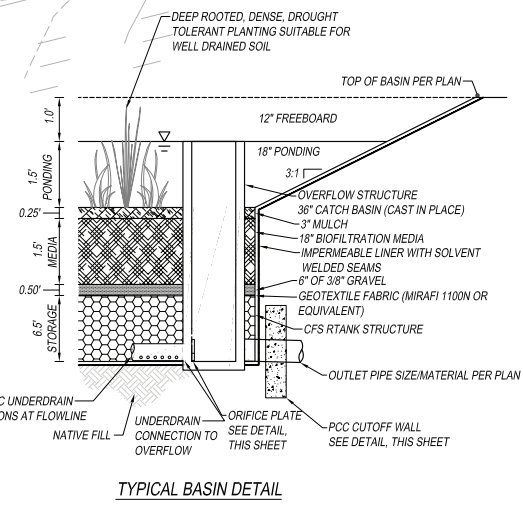
File: 189273Figures.indd Source: Pasco Laret Suiter & Associates, 2022

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT
Hydrology - Existing Condition

Figure 3.8-1



PLAN VIEW - POST-DEVELOPMENT HYDROLOGY



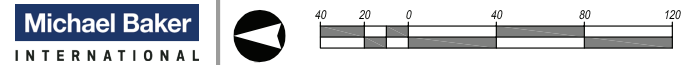
LEGEND

- PROPERTY LINE
- RIGHT-OF-WAY
- ADJACENT PROPERTY LINE
- CENTER LINE OF ROAD
- DRAINAGE BOUNDARY
- INITIAL SUB-BASIN BOUNDARY
- DRAINAGE PATH OF TRAVEL
- EXISTING CONTOURS

BASIN INFORMATION

- BASIN DESIGNATOR
- AREA (AC)
- SUBAREA Q (CFS)

PCC-6
 NODE 202
 80.34 TG, 59.89 IE
 $Q_{100}(EXISTING) = 12.13$ CFS
 $Q_{100}(UNMITIGATED) = 35.73$ CFS
 $Q_{100}(MITIGATED) = 7.64$ CFS



File: 189273Figures.indd Source: Pasco Laret Suiter & Associates, 2023

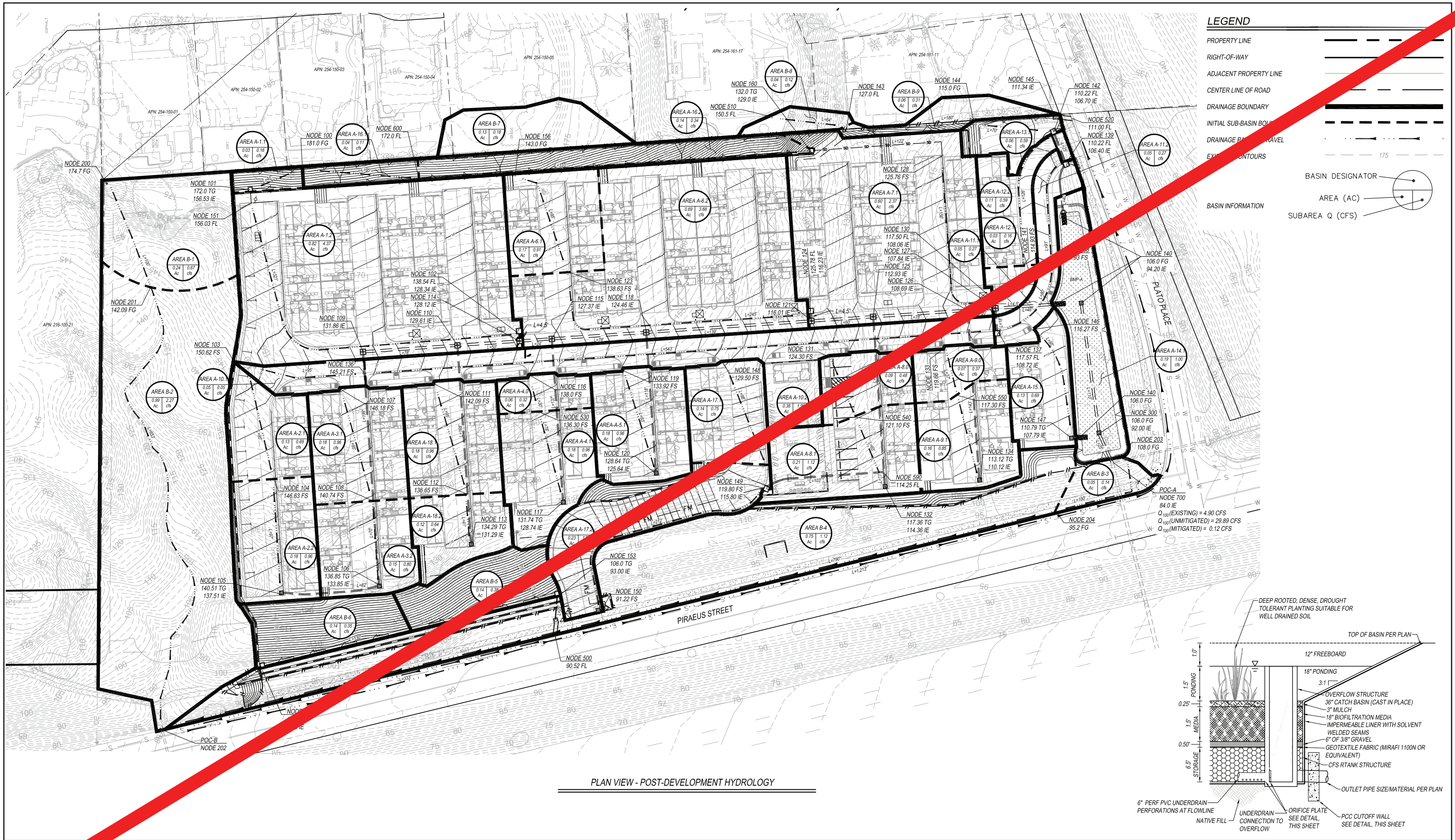


Table 3.8-1: Peak Flow Rate Comparison - Unmitigated (100 Year, 6 Hour)

Pre-Development		Post-Development (Unmitigated) ¹	
Drainage Area	Peak Flows (cfs)	Drainage Area	Peak Flow (cfs)
A-1 through A-2	4.90	A-1 through A-18	29.89
B-1 through B-2, <u>and C-2</u>	12.13 <u>10.17</u>	<u>A-1 through A-18, B-1 through B-9, and C-1 through C-2</u>	4.90 <u>35.73</u>

¹“Unmitigated” refers to the condition without the incorporation of BMPs or conformance with other regulatory requirements intended to reduce stormwater flows.
Notes: cfs = cubic feet per second
Source: PLSA 2023~~2a~~2a (see Appendix I-1).

Table 3.8-2: Peak Flow Rate Comparison - Mitigated (100 Year, 6 Hour)

Pre-Development		Post-Development (Mitigated)	
Drainage Area	Peak Flows (cfs)	Drainage Area	Peak Flow (cfs)
A-1 through A-2	4.90	A-1 through A-18	0.12
B-1 through B-2, <u>and C-1</u>	12.13 <u>0.17</u> 56	<u>A-1 through A-18, B-1 through B-9, and C-1 through C-2</u>	7.64 <u>5.58</u> 4.83

Notes: cfs = cubic feet per second
Source: PLSA ~~2020a~~2023a (see Appendix I-1).

With the proposed on-site improvements and improvements to the existing storm drain system, the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality or ground water quality. Rather, it would substantially improve upon existing conditions through the on-site capture and treatment of stormwater. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

GROUNDWATER SUPPLIES

Impact 3.8-2 **The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin. Impacts would be less than significant.**

Public water service for the project would be provided by the San Dieguito Water District. Water utility improvements would include connection to the public water system. According to SDWD, there are adequate water supplies to serve the project, and the SDWD expects to meet its customer demands during normal, single-dry, and multiple-dry year scenarios (SDWD 2020). The project would therefore not substantially increase demand for groundwater supplies in this regard.

3.8 Hydrology and Water Quality

The project does not include the use of groundwater wells or 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. This includes management practices, control techniques, system design and engineering methods, and other measures as appropriate.

A static groundwater table was not observed in the excavations performed during this study; however, seepage was observed within on-site alluvial soils at depths of approximately 38 to 49 feet below the existing ground surface (Geocon 2022). Based on the elevation of the project site, anticipated depth to groundwater, and proximity to the ocean, it does not appear that there is a significant hydrologic connection between stormwater infiltration and underlying groundwater at the project site. Further, the project site is not located within a groundwater basin that is used for water supply or subject to the Sustainable Groundwater Management Act.

Therefore, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EROSION OR SILTATION

Impact 3.8-3 **The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site. Impacts would be less than significant.**

The 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. However, as 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 both on-site and off-site, thereby contributing to improved overall stormwater quality.

The project as designed would not substantially alter the existing drainage pattern of the site as the majority of the on-site drainage would be conveyed west under I-5, similar to that which occurs under existing conditions. Further, the project design includes construction of one on-site

biofiltration 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 I-2.

As discussed in Impact 3.8-1, incorporation of proposed site improvements and BMPs would mitigate peak flows in drainage areas A-1 through A-18, ~~and B-1 through B-9, and C-1 through C-2~~ to approximately ~~0.407.645.58~~ cfs which would alleviate the existing flooding issues on Plato Place during large storm events when compared to existing unmitigated conditions (~~4.612.133 15.46~~ cfs); refer to Table 3.8-2, Peak Flow Rate Comparison - Mitigated (100 Year, 6 Hour). ~~The project would reduce stormwater flow rates for drainage areas B-1 through B-9 to approximately 7.23 cfs as compared to existing unmitigated conditions (14.58 cfs).~~ 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 I-1.

For the reasons above, the project would not result in a change in drainage patterns that would cause substantial erosion or siltation on- or off-site, nor substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

FLOODING ON- OR OFF-SITE

Impact 3.8-4	The project would not substantially alter the existing drainage pattern of the site or area in manner which would substantially increase the rate or amount of surface runoff that would result in flooding on- or off-site. Impacts would be less than significant.
---------------------	---

Refer to Impacts 3.8-1 and 3.8-3 above for discussion of post-development conditions. The general drainage pattern of the site would remain consistent with existing conditions as a majority of the on-site drainage would be conveyed to the existing storm drainage system to the west of I-5. All proposed storm drain improvements would be sized to handle the 100-year storm event. The project also proposes the use of one on-site biofiltration basins to meet treatment and flow control requirements listed in the City of Encinitas *BMP Manual* for post-construction BMPs; refer to Appendices I-1 and I-2. Therefore, the project would not substantially alter on-

3.8 Hydrology and Water Quality

site drainage patterns, but would instead maintain and improve the existing storm drainage conditions on- and off-site; refer to Table 3.8-2, Mitigated Peak Flow Rate Comparison Table (100 Year, 6 Hour).

The project as designed would not substantially alter the existing drainage pattern of the site or area in manner which would substantially increase the rate or amount of surface runoff that would result in flooding on- or off-site. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

STORMWATER DRAINAGE SYSTEMS AND POLLUTED RUNOFF

Impact 3.8-5 **The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.**

Refer to Impacts 3.8-1, 3.8-3, and 3.8-4 above. The project does not include the alteration of the course of any stream or river, as no such conditions are present on-site.

The project would not substantially alter existing drainage patterns on-site. As shown in Tables 3.8-1 and 3.8-2, the project would improve stormwater drainage on- and off-site, decreasing the overall rate of stormwater flows from the property. With incorporation of proposed site improvements and BMPs, peak flows in drainage areas A-1 through A-18, ~~and B-1 through B-9, and C-1 through C-2~~ would be reduced to approximately ~~0.127.645.58~~ cfs as compared to existing unmitigated conditions (~~4.9012.1315.46~~ -cfs). ~~Similarly, the project would reduce stormwater flow rates for drainage areas B-1 through B-9 to approximately 4.83 cfs as compared to existing unmitigated conditions (10.17 cfs).~~ Based on post-development conditions, the project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage and stormwater runoff in a controlled manner. Refer also to Figure 3.8-2, Hydrology – Proposed Condition.

The proposed development and storm drain design would not only be capable of safely conveying the 100-year storm runoff flow, but has included many instruments in the storm drain system design to ensure that the discharge from the project site is properly treated and that runoff would not pose any significant impact or threats to the water quality of the public storm drain system.

Furthermore, in accordance with the requirements of the MS4 permit, the on-site bioretention area would serve as flow-control BMPs, and the project would be subject to MS4 permit requirements to reduce polluted stormwater runoff.

The project would not substantially alter existing drainage patterns in a manner that would contribute runoff that would exceed the capacity of the affected stormwater drainage system or provide substantial additional sources of polluted runoff. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

IMPEDE OR REDIRECT FLOOD FLOWS

Impact 3.8-6 **The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through addition of impervious surfaces, in a manner which would impede or redirect flood flows. Impacts would be less than significant.**

Refer to also to discussion under Impacts 3.8-4 and 3.8-5. The project would not alter the course of a stream or river, as no such features are present on-site. As illustrated on FEMA map panel 06073C1033H, FEMA has not mapped any Special Flood Hazard Areas within the immediate project vicinity, which is designated as being in Zone X (Other Areas) (FEMA 2021). The project site is therefore determined to be outside the FEMA-mapped 100-year floodplain and is therefore not considered to have the potential for substantial flood events.

The project would not substantially alter the existing drainage pattern of the site or area in a manner which would impede or redirect flood flows. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

INUNDATION BY FLOOD, SEICHE, OR TSUNAMI

Impact 3.8-7 **Project implementation would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. No impact would occur.**

A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. Seiches are of concern relative to water storage facilities, because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage

3.8 Hydrology and Water Quality

tank, dam, or other artificial body of water. Tsunamis are a type of earthquake-induced flooding that is produced by large-scale sudden disturbances of the sea floor. Tsunamis interact with the shallow sea floor topography upon approaching a landmass, resulting in an increase in wave height and a destructive wave surge into low-lying coastal areas.

According to the California Emergency Management Agency Tsunami Inundation Map for Emergency Planning - County of San Diego-Encinitas Quadrangle, the site is not located in a tsunami inundation area, and therefore, it is not anticipated that inundation due to tsunami would occur (California Emergency Management Agency 2009). In addition, based on the distance and elevational differences between the site and large, open bodies of water, inundation of the site due to a seiche event is not anticipated.

As stated in Impact 3.8-6 above, the project site is located in Zone X, as illustrated on FEMA map panel 06073C1033H, and is outside of a FEMA-mapped 100-year floodplain. The potential for on-site flooding is therefore considered to be low.

As the potential for project inundation relative to flood hazard, tsunami, or seiche zones is low, it is not anticipated that project implementation would risk release of pollutants as the result of such events. **No impact** would occur.

Mitigation Measures: None required.

Level of Significance: No impact.

WATER QUALITY CONTROL PLAN OR SUSTAINABLE GROUNDWATER MANAGEMENT PLAN

Impact 3.8-8 The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant.

The project site is not located within a groundwater basin that is used for water supply or subject to the Sustainable Groundwater Management Act. Therefore, the project would not conflict with a sustainable groundwater management plan and there would be no impact.

Short-Term Construction

As described under Impacts 3.8-1 and 3.8-3, the project applicant would prepare and implement a SWPPP that would manage stormwater runoff during construction activities. The SWPPP would contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project.

A sediment monitoring plan would be prepared and implemented during project construction as runoff from the site has the potential to discharge directly to Batiquitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. Therefore, with implementation of BMPs, and chemical and sediment monitoring during construction as required by the SWPPP, water quality impacts would be reduced or avoided.

Additionally, seepage was encountered within the alluvial soils located below the previously placed fill in the southern portion of the site. The seepage elevations varied from approximately 38 to 49 feet below the existing ground surface and appeared to be perched within the lower 12 feet of the alluvium. Some perched seepage was also observed within the Santiago Formation. Groundwater/seepage conditions are dependent on seasonal precipitation, irrigation, and land use, among other factors, and vary as a result. A static groundwater table was not observed in the excavations performed (Geocon 2022). If dewatering is required during project construction, all such activities would occur in conformance with applicable local and state regulations to ensure that water quality is maintained.

Project construction would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Short-term impacts would be **less than significant**.

Post-Construction/Long-Term Occupancy and Operations

As described in Impacts 3.8-1, 3.8-3, and 3.8-5, the project has been designed to include control requirements listed in the City of Encinitas *BMP Manual* for post-construction BMPs.

The project has been designed to redirect and capture stormwater runoff associated with the post-construction condition for the project. Water quality pollutant control BMPs with performance standards consistent with City and MS4 requirements would also be required.

As described in the environmental setting above, the Basin Plan designates numerous beneficial uses for Batiquitos Lagoon. The Basin Plan establishes WQOs for inland waters and groundwater that are protective of the designated uses for high priority issues. No Basin Plan WQOs have been established for Batiquitos Lagoon. Similarly, no goals or water quality improvement strategies to address lagoon water quality have been established within the Carlsbad WQIP or the City's JRMP. For these reasons, the project would not obstruct the ability to meeting Basin Plan WQOs.

The project would not conflict with a water quality control plan or sustainable groundwater management plan. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.8-9 **Implementation of the project would not result in a significant cumulative impact to hydrology and water quality. Impacts would be less than cumulatively considerable.**

Geographic Scope

The geographic scope for cumulative hydrology and water quality impacts includes the areas surrounding the project site, surrounding watershed, underlying groundwater aquifer, and tributaries to the ocean.

Cumulative impacts to hydrology and water quality generally occur as a result of incremental changes that degrade water quality. Cumulative impacts can also include individual projects which, when taken together, adversely contribute to drainage flows or increase potential for flooding in a project area or watershed. Tables 3.0-1 and 3.0-2 and Figure 3.0-1 in Section 3.0 of this EIR identify the cumulative projects considered in this evaluation.

Potential Cumulative Impacts

Future development that could contribute to a cumulative hydrology and water quality impact would be subject to the same requirements as the proposed project and would be required to apply with the San Diego RWQCB for an NPDES permit, which would include implementation of BMPs to prevent water quality impacts during construction and operation. Further, there are several other regional initiatives that are being implemented to meet water quality objectives, reduce pollutant loads, address high-priority pollutants and improve surface water quality within the Carlsbad watershed.

With incorporation of proposed site improvements and BMPs, the mitigated peak flow for drainage areas A-1 through A-18, B-9 through B-9, and C-1 through C-2 would be approximately 0.127.64 cfs when compared to existing unmitigated conditions (~~4.90~~12.13 cfs); refer to Table 3.8-2, Peak Flow Rate Comparison - Mitigated (100 Year, 6 Hour). ~~Similarly, the project would reduce stormwater flow rates for drainage areas B-1 through B-9 to approximately 4.83 cfs as compared to existing unmitigated conditions (10.17 cfs).~~ As such, the project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also Appendices I-1 and I-2). Other cumulative projects would be required to implement similar project design features to ensure implementation of the cumulative projects does not result in off-site impacts. Cumulative projects would also be subject to MS4 permit requirements to reduce polluted stormwater runoff (see Appendix I-2).

Therefore, 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**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

This page intentionally left blank.

This section addresses the existing land use and planning conditions of the affected environment and evaluates project consistency with applicable environmental goals and policies. Analysis in this section draws upon data in the *City of Encinitas General Plan* (City of Encinitas 1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (City of Encinitas 2018).

ENVIRONMENTAL SETTING

The project site is located northeast of the intersection of Piraeus Street and Plato Place, in the Leucadia community of Encinitas. The site is bordered by Plato Place to the south and Piraeus Street to the west. Surrounding land uses include single-family residences directly to the east and at a distance to the southeast/south; Piraeus Street and I-5 to the west; and vacant land and Sky Loft Road to the north. La Costa Avenue is located adjacent to the north of the off-site preserve area.

The site is located on the eastern side of a drainage that empties into Batiquitos Lagoon to the north, at the western edge of a developed suburban neighborhood setting, and just east of the northbound I-5 freeway. The property is currently undeveloped, vacant land, with a mix of vegetation communities.

The project site is comprised of County assessor parcel number (APN) 254-144-01-00, which is approximately 6.88 acres in size. The proposed off-site preserve area would be comprised of APN 216-110-35-00; residential development would occur on APN 254-144-01-00.

The City of Encinitas General Plan land use and zoning designations for the subject property are Rural Residential 2 (RR-2), with an R-30 overlay covering the project site as part of the City's General Plan Housing Element. Per the R-30 overlay zone that applies to this parcel, up to 161 residential units could be developed without application of allowances under state Density Bonus laws (5.36 net acres x 30 DU/acre). With the application of a density bonus, the project could support up to 310 homes [(6.88 gross acres x 30 DU/acre) x 1.5 density bonus]. Additionally, the project site is within the coastal zone, placing it under the jurisdiction of the Coastal Commission and the Local Coastal Program (LCP). No changes to the existing land use or zoning are required or proposed to allow for project implementation.

REGULATORY FRAMEWORK

State

California Planning and Zoning Law

California Planning and Zoning Law, Government Code Sections 65000–66499.58 set forth the legal framework in which California cities and counties exercise local planning and land use functions. Under state planning law, each city and county must adopt a comprehensive, long-term general plan. State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. These requirements comprise the inclusion of seven mandatory elements described in the Government Code, including a section on land use. Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis; and mitigation measures. The City of Encinitas General Plan is summarized below.

Regional

2050 Regional Transportation Plan and Sustainable Communities Strategy

Regional Transportation Plans (RTPs) are developed to identify regional transportation goals, objectives, and strategies. Such plans are required to be prepared in conformance with the goals of Senate Bill (SB) 375 aimed at reducing regional greenhouse gas emissions from automobiles and light-duty trucks through changes in land use and transportation development patterns.

The San Diego Association of Governments (SANDAG) serves as the Regional Transportation Agency for the Southern California region and is therefore required to adopt and submit an updated RTP to the California Transportation Commission and Caltrans every 4 to 5 years, based on regional air quality attainment status. Working with local governments, SANDAG is required by federal law to prepare and implement an RTP that identifies anticipated regional transportation system needs and prioritizes future transportation projects.

The 2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) provides guidance for investing an estimated \$208 billion in local, state, and federal transportation funds anticipated to be available within the San Diego region over the next three decades. The 2050 RTP plans for a regional transportation system that enhances quality of life, promotes sustainability, and offers varied mobility options for both goods and people. The plan addresses improvements for transit, rail and bus service, express and managed lanes, highways, local streets, bicycling, and walking to achieve an integrated, multimodal transportation system by 2050. In accordance with the requirements of SB 375, the plan includes a Sustainable

Communities Strategy that provides regional guidance for reduction of GHG emissions to state-mandated levels over upcoming years. The 2050 RTP/SCS are components of *San Diego Forward: The Regional Plan*, adopted by SANDAG in 2019.

Local

City of Encinitas General Plan and Certified Local Coastal Program

The City of Encinitas General Plan serves as a policy document that provides long-range guidance to City officials responsible for decision-making with regard to the City's future growth and long-term protection of its resources. The General Plan is intended to ensure decisions made by the City conform to long-range goals established to protect and further the public interest as the City continues to grow and to minimize adverse effects potentially occurring with ultimate buildout. The City of Encinitas General Plan also provides guidance to ensure that future development conforms to the City's established plans, objectives, and/or policies, as appropriate.

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

The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan serves as an LCP Land Use Plan for the City. The LCP incorporates land use plans for future development in the Coastal Zone, provisions of the City's Zoning Regulations, zone overlays for sensitive resources, and other implementing measures to ensure the protection of coastal resources. Projects within the Coastal Zone Overlay are subject certain design restrictions for developing in the Coastal Zone (building height limits, retaining view corridors, maintaining coastal access, protection of coastal resources, etc.).

The state's goals for the Coastal Zone include the following:

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

3.9 Land Use and Planning

- 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.

For those lands located within the Coastal Zone, any conflicts that occur between the Land Use Plan and any policy or provision of the General Plan that is not a part of the LCP, the Land Use Plan takes precedence. Any such conflicts shall result in identifying a resolution that achieves the highest degree of protection for resources in the Coastal Zone.

General Plan and LCP goals and policies applicable to the project include the following:

Land Use Element

Policy 1.13: In areas identified as susceptible to brush or wildfire hazard, the City shall provide for construction standards to reduce structural susceptibility and increase protection. Brush clearance around structures for fire safety shall not exceed a 30-foot perimeter in areas of native or significant brush, and as provided by Resource Management Policy 10.1.

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

- a) provide a balance of commercial and residential uses which creates and maintains the quality of life and small-town character of the individual communities; and
- b) protect and enhance the City' s natural resources and indigenous wildlife.

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

Policy 6.5: The design of future development shall consider the constraints and opportunities that are provided by adjacent existing development. (Coastal Act/30251)

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

Policy 7.6: Private development shall coordinate with street/public improvements, i.e. streetscape, landscape, site design and the like.

GOAL 8: Environmentally and topographically sensitive and constrained areas within the City shall be preserved to the greatest extent possible to minimize the risks associated with development in these areas. (Coastal Act/30240/30253) Goal 8 amended 5111195 (Reso. 95- 32)

GOAL 9: Preserve the existence of present natural open spaces, slopes, bluffs, lagoon areas, and maintain the sense of spaciousness and semirural living within the I-5 View Corridor and within other view corridors, scenic highways, and vista/viewsheds as identified in the Resource Management Element. (Coastal Act/30240/30251)

Resource Management Element

Policy 10.1: The City will minimize development impacts on coastal mixed chaparral and coastal sage scrub environmentally sensitive habitats by preserving within the inland bluff and hillside systems, all native vegetation natural slopes of 25% grade and over other than manufactured slopes. A deviation from this policy may be permitted only upon a finding that strict application thereof would preclude any reasonable use of the property (one dwelling unit per lot). This policy shall not apply to construction of roads of the City's circulation element, except to the extent that adverse impacts on habitat should be minimized to the degree feasible. Encroachments for any purpose, including fire break brush clearance around structures, shall be limited as specified in Public Safety Policy 1.2, brush clearance, when allowed in an area of sensitive habitat or vegetation, shall be conducted by selective hand clearance (Coastal Act/30240/30250/30251/30253).

Additionally, the Resource Management Element of the City's General Plan identifies a number of visual resources within the City's boundaries that are considered to contribute to the scenic quality of the local Encinitas community as well as the larger region. The Resource Management

3.9 Land Use and Planning

Element identifies a variety of scenic vista points, defines critical viewsheds, and identifies scenic roadways and scenic view corridors (City of Encinitas 2016).

The Resource Management Element identifies two proposed “scenic vista points” within the vicinity of the project site; one at the northwest corner of I-5/La Costa Avenue (southbound off-ramp) and one at the northeast corner of I-5/La Costa Avenue (northbound on-ramp); refer to Figure 3.1-1A, Scenic Resources. The Resource Management Element identifies these points as those “to be acquired and developed” (City of Encinitas 2016). These vista points lie off-site to the north of the subject property.

Additionally, the City’s Resource Management Element requires the City to designate Scenic/Visual Corridor Overlay areas within which the character of proposed development is regulated to protect the integrity of the City’s designated vista points (e.g., the potential vista points to the north of the project site). Critical viewsheds are defined in the Resource Management Element as those areas that extend radially for approximately 2,000 feet from the vista point and cover areas upon which development could potentially obstruct, limit, or degrade the view (City of Encinitas 2016).

Interstate 5 is identified as a designated Scenic View Corridor in the vicinity of the project site (City of Encinitas 2016; refer to Figure 3.1-1A, Scenic Resources). Development within such critical viewshed areas is subject to City design review to ensure that building height, bulk, roofline, color, and scale do not limit or degrade existing views and that landscaping is used to screen undesirable views. Additionally, La Costa Avenue from just west of I-5 to El Camino Real is designated by the City as being a scenic road (City of Encinitas 2016; see Figure 3.1-1A).

The Resource Management Element also designates “Station White,” located approximately 0.34 miles east of the project site, as a historic viewshed (City of Encinitas 2016). Station White is located directly east of Gascony Road and is identified by the City as a historic overlook that served as an observation post during World War II, due to the clear views it provided to the Pacific Ocean.

Public Safety Element

Policy 1.2: Restrict development in those areas where slope exceeds 25% as specified in the Hillside/Inland Bluff overlay zone regulations of the zoning code. Encroachment into slopes as detailed in the Hillside/Inland Bluff overlay may range from 0 percent to a maximum of 20 percent, based on a sliding scale of encroachment allowances reflective of the amount of the property within steep slopes, upon the discretionary judgement that there is no feasible alternative siting or design which eliminates or substantially reduces the need for such encroachment, and it is found that the bulk and

scale of the proposed structure has been minimized to the greatest extent feasible and such encroachment is necessary for minimum site development and that the maximum contiguous area of sensitive slopes shall be preserved. Within the Coastal Zone and for the purposes of this section, "encroachment" shall constitute any activity which involves grading, construction, placement of structures or materials, paving, removal of native vegetation including clear-cutting for brush management purposes, or other operations which would render the area incapable of supporting native vegetation or being used as wildlife habitat. Modification from this policy may be made upon the finding that strict application of this policy would preclude any reasonable use of property (one dwelling unit per legal parcel). Exceptions may also be made for development of circulation element roads, local public streets or private roads and driveways which are necessary for access to the more developable portions of a site on slopes of less than 25% grade, and other vital public facilities, but only to the extent that no other feasible alternatives exist, and minimum disruption to the natural slope is made. Policy 1.2 amended 5/11/95 (Reso. 95-32).

Policy 1.3: In areas identified as susceptible to brush or wildfire hazard, the City shall provide for construction standards to reduce structural susceptibility and increase protection. Brush clearance around structures for fire safety shall not exceed a 30-foot perimeter in areas of native or significant brush, and as provided by Resource Management Policy 10.1.

City of Encinitas Housing Element 2019

In March 2019, the City Council adopted the Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City.

The HEU includes the 2013-2021 Housing Element Update and a series of discretionary actions to update and implement the City's Housing Element. As part of the approvals, the project site was designated with an R-30 overlay (maximum 30 dwelling units per net acre). Relevant policies and goals related to land use and planning are provided below.

GOAL 3: The City will encourage the maintenance and preservation of the existing housing stock as well as quality design in new housing.

3.9 Land Use and Planning

Policy 3.1: Where determined to be dangerous to the public health and safety, substandard units in the City shall be repaired so that they will comply with the applicable building, safety and housing codes. When compliance through repair is not or cannot be achieved, abatement of substandard units shall be achieved.

Policy 3.2: Enforce the building, safety and housing codes through vigorous code enforcement efforts.

City of Encinitas Municipal Code

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

The City's Municipal Code establishes noise criteria to prevent noise and vibration that may jeopardize the health or welfare of the City's citizens or degrade their quality of life. Chapter 9.32, Noise Abatement and Control, and Chapter 30.40, Performance Standards, establish property line noise level limits. These limits apply to existing uses, but also apply to future uses and are used for evaluating potential impacts of future on-site generated noise levels.

As stated in Section 30.40.10 of the Municipal Code, "Every use shall be so operated that the noise generated does not exceed the following levels at or beyond the lot line and does not exceed the limits of any adjacent zone." Additionally, Section 30.40.10 (B) of the Municipal Code identifies property line ground vibration limits. The Code states that "Every use shall be so operated that the ground vibration generated at any time and measured at any point along the lot line of the lot on which the use is located shall not be perceptible and shall not exceed the limits of any adjacent zone."

Special Study Overlay Zone

The project site is located within a Special Study Overlay Zone. The Special Study Overlay designation is used for preserving environmentally significant areas, as well as indicate those areas where development standards will be more stringent to minimize potential hazards to future development. A special study is required within this zone to assess the slopes on-site.

The Hillside/Inland Bluff Overlay Zone regulations apply to all areas within the Special Study Overlay Zone where site-specific slope analysis indicates that 10 percent or more of the natural

area of a parcel of land exceeds 25 percent slope. A site-specific slope analysis has been performed for the project area.

Scenic/Visual Corridor Overlay Zone

Section 30.34.080, Scenic/Visual Corridor Overlay Zone, of the Municipal Code provides provisions for lands located within the City's Scenic/Visual Corridor Overlay Zone. The zone applies to all properties within the scenic view corridor along scenic highways and adjacent to significant viewsheds and vista points as identified on the visual resource sensitivity map of the General Plan Resource Management Element. Development within the overlay zone is subject to consideration for overall visual impact of the proposed project and conditions or limitations on project bulk, mass, height, architectural design, and grading. Other visual factors may also be applied to design review approval and shall be applied to coastal development permit approval.

City of Encinitas Climate Action Plan (CAP)

The City's Climate Action Plan (CAP) was adopted in January 2018 and was most recently updated and adopted on November 18, 2020. The CAP serves as a guiding document and outlines a course of action for community and municipal operations to reduce GHG emissions and the potential impacts of climate change within the jurisdiction. The CAP benchmarks GHG emissions in 2012 and identifies what reductions are required to meet GHG reduction targets based on state goals embodied in AB 32. The 2020 CAP Update incorporates the HEU residential units into the business-as-usual projection and legislatively adjusted projection and presents associated updates and revisions to the CAP measures. The CAP aims to achieve local community wide GHG reduction targets of 13 percent below 2012 levels by 2020 and 44 percent below 2012 levels by 2030.

To achieve these objectives, the CAP identifies a summary of baseline GHG emissions and the potential growth of these emissions over time; the expected climate change effects on the City; GHG emissions reduction targets and goals to reduce the community's contribution to global warming; and identification of strategies, specific actions, and supporting measures to comply with statewide GHG reduction targets and goals, along with strategies to help the community adapt to climate change impacts.

As part of the CAP implementation, each strategy, action, and supporting measure will be continually assessed and monitored. Reporting on the status of implementation of these strategies, periodic updates to the GHG emissions inventory, and other monitoring activities will help ensure that the CAP is making progress.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

The following thresholds of significance are based, in part, on CEQA Guidelines Appendix G. For the purposes of this EIR, the project would have a significant adverse impact related to land use if it would:

1. Physically divide an established community.
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

PROJECT IMPACTS AND MITIGATION

PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY

Impact 3.9-1 The project would not physically divide an established community. Impacts would be less than significant.

The project site is currently undeveloped, vacant land and is characterized predominantly by several vegetation communities. The project site is bordered by single-family residences directly to the east and at a distance to the southeast/south; Piraeus Street and I-5 to the west; and vacant land and Sky Loft Road to the north. As discussed, the off-site preserve area would be preserved in perpetuity and left in its current state in order to mitigate for biological resource impacts resulting with project implementation. The project site would be located entirely on the southern parcel and would serve as a visual extension of similar existing residential uses to the east and south of the project site.

Interior circulation is proposed via a two-lane, 26-foot-wide interior roadway that would extend through the site and provide connection between existing Piraeus Street and Plato Place. The main roadway, along with internal/emergency access drives would provide vehicular access to the residential units and on-site recreational amenities.

Pedestrian connections between the residential uses and the pool and common areas would be provided by an on-site community paseo with enhanced hardscape and landscape plantings within the interior of the site. Sidewalks or pathways would be constructed along the on-site drives and along the frontage on Piraeus Street and Plato Place. The project would not eliminate or obstruct any means of pedestrian access or circulation within the project vicinity, as the proposed pedestrian pathways would provide a link to the existing off-site sidewalk system.

The project design includes a variety of walls and fences within the property. Construction of a number of concrete masonry retaining walls are proposed along the majority of the northern, eastern, southern, and western boundaries of the development area. The proposed walls and fences are depicted in Figure 2.0-6, Wall and Fencing Plan. However, these elements would not create physical barriers to existing access to/from the subject site, other properties in the area, or adversely affect established vehicular or pedestrian circulation patterns or access.

Ornamental landscaping would be planted along the eastern, southern, and western project perimeters to visually enhance the development and provide a buffer from adjacent uses. Additionally, limited landscaping would be planted along the northern boundary of the project site, between the development and the proposed off-site preserve area to provide a buffer and serve as a transition between the development and the natural open space. Such improvements would not directly or indirectly result in division of the surrounding neighborhood.

The project does not propose the construction of new infrastructure through surrounding residential areas that may divide an established community, due to the project's location and proximity to major roadways and existing infrastructure systems already serving the area. All off-site improvements proposed are within or adjacent to existing rights-of-way as described in Section 3.12, Transportation, and Section 3.14, Utilities and Service Systems.

Lastly, the project's potential to result in indirect growth or induce additional growth that may divide an established community is addressed in Section 6.3, Growth Inducing Impacts. As determined therein, the project would not remove barriers to growth, generate extraordinary economic growth, generate an indirect inducement to significant growth, be a precedent setting action, or encroach into open space. Therefore, the project would not result in indirect growth or induce additional growth that may divide an established community.

For the reasons above, the project would not physically divide an established community. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH AN APPLICABLE PLAN

Impact 3.9-2 The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant.

General Plan 2019 Housing Element Update

Under the 2019 HEU, the project site was identified as the “Cannon Property (Piraeus) - Site Number 02.” The project site currently has a General Plan land use designation of R30 OL (Residential 30 Overlay) and RR2 (Rural Residential; 1.01-2.00 dwelling units per acre) and is zoned RR2 with a R-30 overlay zone as part of the City’s Housing Element. Per the R-30 overlay zone that applies to this parcel, up to 161 residential units could be developed without application of allowances under state Density Bonus laws (5.36 net acres x 30 DU/acre). With the application of a density bonus, the project could support up to 310 homes [(6.88 gross acres x 30 DU/acre) x 1.5 density bonus]. No changes to the existing land use or zoning are required or proposed to allow for project implementation.

The proposed development would consist of 52 one-bedroom homes, 37 two-bedroom homes, and 60 three-bedroom homes for a total of 149 residential units, which would be built within 16 individual three-story residential buildings. The 149 multi-family residential units proposed with the project would therefore be within the allowable unit count as identified in the HEU.

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

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

Relative to the Development Standards and Policies, the project would be consistent with the standards as determined by City review of the project’s proposed components. The project would adhere to state Density Bonus Law by providing 15 “very low” income units (affordable to households earning no more than 50 percent of the area median income), which represents

approximately 10 percent of the overall unit count. While this allows the project to utilize the maximum density bonus (up to a 50 percent increase in unit count), the project is not proposing to utilize Density Bonus Law to increase the unit density on-site.

Density Bonus Law allows projects to utilize up to three concessions and unlimited waivers. The project requests one incentive which is to eliminate the City's undergrounding utilities requirement for existing overhead utilities, pursuant to Encinitas Municipal Code Section 23.36.120. All existing San Diego Gas & Electric utility poles that currently surround the project site are 12 kilovolt and would typically be required to be undergrounded. However, the undergrounding of those utilities would involve substantial improvement costs, and the cost savings associated with this incentive request would enable the project to instead provide for deed-restricted affordable housing on-site. Additionally, the project requires a waiver as the project exceeds the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project requires an approximately 40% encroachment into steep slope areas; without City approval of the waiver, the project footprint would be substantially reduced, thereby impacting the project's ability to provide for deed-restricted affordable housing on-site; refer also to discussion under City of Encinitas Municipal Code, below.

For the reasons above, the project would not conflict with the General Plan HEU relative to avoidance or mitigation of an environmental effect. Impacts would be less than significant.

City of Encinitas General Plan and Certified Local Coastal Program

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

The City is responsible for the issuance of Coastal Development Permits within the Coastal Zone, excluding submerged lands, tidelands, or public trust lands. Relative to the City's LCP, subsequent to the City's approval of the HEU, the City processed an amendment to update the City's LCP to include the HEU sites. On September 11, 2019, the HEU was approved by the California Coastal Commission. The following excerpts are specific to the project site, where the Coastal Commission found that (CCC 2019):

3.9 Land Use and Planning

Cannon Property (Piraeus) (Site 2) - This site is a vacant property located at the corner of Piraeus Street and Plato Place, both of which are two-lane local streets. The southern portion of the site is flat due to previous grading, with the majority of the rest of the site sloping up towards a flat pad on the northeast corner. Some mature trees and vegetation are on the northern portion of the site. The land use classification of the site is Rural Residential 2 (RR2)...

...Three of the sites were identified as having sensitive vegetative communities, including the Cannon property (Site 2), the Encinitas Blvd and Quail Gardens Sites (Site 5), and Sage Canyon (Site AD1). Additionally, Sage Canyon was identified as having wetlands on-site. All future development on sites with coastal sage scrub or wetlands will be subject to the certified LCP policies as well as mitigation measures within the EA, which includes avoidance and minimization measures for impacts to vegetation communities from grading and development, as well as suitable mitigation in accordance with the North County Multiple Habitat Conservation Program...

...While a number of the inventoried sites to be re-designated have lower density land use designations (in some cases, significantly lower, as is the case with the Cannon Property, Echter Property, and Greek Church Parcel), the R-30 Overlay is intended to respect neighborhood character, be compatible with community specific settings and provide reasonable transitions between existing residences and potential development sites. All of the sites are located within, contiguous with, or in close proximity to, existing developed areas...

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

The project would be subject to the certified LCP policies as well as mitigation measures for sensitive vegetation communities, which include avoidance and minimization measures for impacts to vegetation communities from grading and development, as well as suitable mitigation in accordance with the North County Multiple Habitat Conservation Program; refer Section 3.3, Biological Resources. The development would also be consistent with the existing character of the area and community, and would not impede coastal views as it would be located on the inland side of identified viewpoints within the vicinity; refer to Section 3.1, Aesthetics.

In reference to the City’s General Plan policies Resource Management Element 10.1 and Public Safety Element 1.2, the City may only deviate from these policies if the strict application thereof would preclude “any reasonable use of the property.” It is worth noting here that – different from other properties in the City – Housing Element sites must build a minimum residential unit count as disclosed in the Housing Element, and that minimum residential unit count is determined based on applying the minimum allowable density of 25 units per acre. As such, “any reasonable use of the property” for a Housing Element site is interpreted as achieving the minimum allowable residential yield.

If the strict application of Resource Management Element 10.1 and Public Safety Element 1.2 would preclude a developer from attaining the minimum residential yield required by the Housing Element, the City may deviate from this policy. This is the case the City is faced with on these Housing Element projects, and as such, a deviation from the policy is warranted.

In reference to the City’s General Plan policies Land Use Element 1.13 and Public Safety Element 1.3, the project must deviate from these policies as stated in Section 10.04.010 of the Municipal Code. In 2018, the City adopted the 2018 International Fire Code and 2019 California Fire Code as the Fire Code for the City of Encinitas to regulate and govern the safeguarding of life and property from fire hazards and related events. Section 10.02.010, Fire Map, of the Municipal Code identifies those land areas within the City considered to be Very High Fire Hazard Severity Zones, and therefore, to be at greater risk for potential wildfire occurrence. As a result, a 100 foot Fuel Modification Zone is required in order to ensure public safety.

For these reasons, land use conflicts within the R-30 Overlay zone, in which the project site is located, would be minimized in accordance with Section 30242 of the Coastal Act, and as such, the CCC found the City’s HEU to be consistent with the relevant policies of the CCC. Because the project is consistent with the 2019 HEU, the project would not conflict with any land use plan, policy, or regulation adopted by the CCC.

Additionally, the off-site preserve area (APN 216-110-35) is not identified in the HEU and was therefore not included in the evaluation herein of HEU consistency with the Coastal Act. However, this parcel is similarly subject to the Coastal Overlay Zone. As the parcel would remain in its natural state, no development would occur that would substantially degrade the scenic quality of any coastal resources or the character of designated scenic views in the area. No conflict with the Coastal Act would result in this regard.

The project site would also be subject to the Scenic/Visual Corridor Overlay Zone for the protection of visual resources; see additional discussion of project conformance provided below under City of Encinitas Municipal Code. Interstate 5 is identified as a designated Scenic View Corridor in the vicinity of the project site (City of Encinitas 2016; refer to Figure 3.1-1A, Scenic

Resources). Development within such critical viewshed areas is subject to City design review to ensure that building height, bulk, roofline, color, and scale do not limit or degrade existing views and that landscaping is used to screen undesirable views.

Additionally, La Costa Avenue from just west of I-5 to El Camino Real is designated by the City as being a scenic road (City of Encinitas 2016; see Figure 3.1-1A). The project would be subject to discretionary review to ensure that design standards are met and that no adverse effects on the City's designated scenic resources result with project implementation; refer also to analysis in Section 3.1, Aesthetics. Further, the project would be in conformance with maximum height allowances of the Coastal Zone, and no conflict would occur.

As stated previously, the Resource Management Element identifies two proposed "scenic vista points" within the vicinity of the project site; one at the northwest corner of I-5/La Costa Avenue (southbound off-ramp) and one at the northeast corner of I-5/La Costa Avenue (northbound on-ramp). Additionally, the City's Resource Management Element requires the City to designate Scenic/Visual Corridor Overlay areas within which the character of proposed development is regulated to protect the integrity of the City's designated vista points (i.e., the potential vista points to the north of the project site). Critical viewsheds are defined in the Resource Management Element as those areas that extend radially for approximately 2,000 feet from the vista point and cover areas upon which development could potentially obstruct, limit, or degrade the view (City of Encinitas 2016). As stated, the project would be subject to City discretionary review to ensure conformance with applicable design regulations within these areas adopted for the long-term protection of designated scenic resources.

Relative to the LCP, the project as designed would maintain coastal access while providing increased connectivity to the existing pedestrian network through proposed sidewalk improvements along Piraeus Street and Plato Place. The project would not create new access restrictions or eliminate existing circulation patterns, thereby allowing residents and visitors continued access to the beach to the west of the site (across I-5). Through conformance with the General Plan and LCP goals and policies (see also Regulatory Framework section above), the project would provide continued protection of the City's coastal resources.

Additionally, as discussed in Section 3.15, Wildfire, the project site is identified as being within a very high fire hazard severity zone within the Local Responsibility Area for the City of Encinitas (City of Encinitas n.d.) and therefore requires management measures to ensure that the risk of wildfire events or spread is reduced to the maximum extent feasible. Policy 1.13 of the City's General Plan requires that, in areas identified as susceptible to brush or wildfire hazard, the City shall provide for construction standards to reduce structural susceptibility and increase protection. Further, brush clearance around structures for fire safety shall not exceed a 30-foot perimeter in areas of native or significant brush, and as provided by Resource Management Policy

10.1. Brush management zones would be provided with the project consistent with the measures recommended in the site-specific Fire Protection Plan prepared by FIREWISE (2022; see Appendix O) and as required by the Encinitas Fire Department. Zone 1A (Irrigated Zone) would be maintained by the homeowners association (HOA) and would include an irrigated landscaped zone typically 50 feet in width from each proposed structure, with combustible building materials prohibited within the zone. Zone 1B (Irrigated Zone) would include an irrigated landscaped zone up to 50 feet in width, located on lands that are publicly owned but maintained by the HOA (including manufactured slopes located more than 50 feet from a structure). Zone 2 (Thinning Zone) would be HOA maintained and begin on the north side of the proposed retaining wall located to the north of the northernmost on-site buildings and extending northward for a distance of 80 feet from the front of each building face.

As the proposed brush management zones are intended to reduce the potential for wildfire risk and slow wildfire spread, such improvements would not exacerbate fire risk or result in temporary or ongoing impacts to the environment; refer also to Section 3.3, Biological Resources, for evaluation of potential effects of vegetation removal on-site. The project would be consistent with General Plan Policy 1.13 in that it would incorporate construction standards to reduce structural susceptibility and increase wildfire protection; refer to Appendix O. Although the project would maintain brush clearance zones around structures for fire safety that would exceed a 30-foot perimeter in areas of native or significant brush, such measures were determined to be required, in combination with required construction features described in the Fire Protection Plan and as required by the City of Encinitas Fire Department, to adequately mitigate any radiant heat or direct flame impingement under a worst-case weather and fuels scenario. As such, the project would be consistent with site-specific requirements, as determined by the relevant agencies, and is not considered to cause a significant environmental impact due to a conflict with the General Plan or related policies adopted for the purpose of avoiding or mitigating an environmental effect.

For the reasons above, the project would not conflict with the General Plan or LCP relative to avoidance or mitigation of an environmental effect. Impacts would be less than significant.

City of Encinitas Municipal Code

The off-site preserve area is zoned RR1 (1 dwelling unit per acre maximum) and RR2 (2 dwelling units per acre maximum); no development is proposed on the off-site preserve area, and therefore, no conflict with the Municipal Code would occur. The project site is zoned RR2 with a R-30 overlay zone as part of the City's Housing Element. Per the R-30 overlay zone that applies to the project site, up to 161 residential units could be developed without application of allowances under state Density Bonus laws ((5.36 net acres x 30 DU/acre)). With the application of a density bonus, the project could support up to 310 homes ((6.88 gross acres x 30 DU/acre) x

3.9 Land Use and Planning

1.5 density bonus). As the project proposes development of 149 townhome units, the project would be in conformance with allowable density regulations for the subject property. No changes to the existing zoning are required or proposed to allow for project implementation.

As described in Section 2.0, Project Description, the project requests one incentive under the Density Bonus Law: the elimination of the City's undergrounding utilities requirement for existing overhead utilities pursuant to Encinitas Municipal Code Section 23.36.120. The undergrounding of the existing utilities would involve substantial improvement costs, and the cost savings associated with this incentive request would enable the project to instead provide for deed-restricted affordable housing on-site. As the overhead utilities would remain as-is pending approval of the request, allow for more affordable housing in alignment with the goals of the City of Encinitas General Plan, and no changes to the existing land use or zoning are required or proposed to allow for project implementation, the project would not conflict with the Encinitas Municipal Code in this regard.

As stated above, the project requests City approval of one waiver, as allowed under the Density Bonus Law. As designed, the project exceeds maximum encroachment into steep slope areas within the Hillside/Inland Bluff Overlay Zone pursuant to Municipal Code Section 30.34.030. Without the waiver, the project footprint would be substantially reduced to meet the requirements of Municipal Code Section 30.34.030. City approval of the waiver would allow for the development of more affordable housing units on-site, in alignment with the goals of the General Plan. The waiver does not require changes to the existing land use or zoning that apply to the subject property. This inconsistency with the Municipal Code would be allowed with City approval of the waiver.

Per Section 30.16.010.B.6.a, Development Standards, of the City's Municipal Code, the standard height limit for residential buildings shall be the lesser of three stories in the R-30 Overlay zone or 35 feet, as measured to the top of a flat roof (or in the case of a pitched roof to the top of the roof immediately above the exterior plane of the wall below, including roofing material). Buildings in the R-30 Overlay zone may exceed the 35-foot height limit a maximum of five feet to accommodate necessary equipment (such as elevator shafts and other mechanical equipment) and screening, as long as any projections do not occupy more than 25 percent of the roof area and are set back a minimum of 10 feet from the edge of the wall plane on all sides.

The proposed residential units have been designed in accordance with allowable height limits for the existing R-30 overlay zone that currently apply to the project site. Maximum building height proposed is 35 feet, consistent with requirements of the R-30 overlay zone. Per Municipal Code Section 30.16.101B.a.iii, a maximum of 5 feet is allowed beyond the 35-foot height limit for "allowed projections" such as mechanical equipment and other screening. As such, the proposed

on-site structures (including projections) would not exceed 40 feet in height. The project would not conflict with Municipal Code provisions in this regard.

Additionally, as indicated in Section 3.10, Noise, of this EIR, project construction and operations would be subject to the restrictions set forth in the City's Noise Ordinance which establishes noise limits for certain activities to avoid or mitigate an environmental effect. No significant noise impacts resulting with project construction or operation were identified. However, due to the site's adjacency to I-5, measures would be required (e.g., installation of noise barriers or incorporation of proper building materials) to reduce on-site noise levels at outdoor locations (rooftop decks and pool area) and for reduction of interior noise levels to below the adopted thresholds. Impacts relative to noise would be less than significant with mitigation incorporated.

Special Study Overlay Zone

As stated, the project site is subject to the Special Study Overlay designation, intended to protect environmentally significant areas, as well as indicate those areas where development standards will be more stringent to minimize potential hazards to future development. A special study is required within this zone.

The Hillside/Inland Bluff Overlay Zone regulations apply to all areas within the Special Study Overlay Zone where a site-specific slope analysis indicates that 10 percent or more of the natural area of a parcel of land exceeds 25 percent slope. Approximately 12,025 square feet (0.28 acres) of existing steep slopes on the project site are manufactured (Geocon 2019). According to the slope analysis prepared for the project site, approximately 32.7 percent (2.25 acres) of the proposed development area (southernmost parcel) has an existing slope greater than 25 percent. Therefore, the project site is subject to the Hillside/Inland Bluff Overlay Zone regulations.

As allowed by state Density Bonus Law, the project requests one waiver. The waiver requested is necessary because the project exceeds the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project requires an approximately 33% encroachment into steep slope areas, and without City approval of this waiver, the project footprint would be substantially reduced, thereby impacting the project's ability to provide for deed-restricted affordable housing on-site. As stated above, this inconsistency with the Municipal Code would be allowed with City approval of the waiver. Impacts would be less than significant in this regard.

Scenic/Visual Corridor Overlay Zone

Section 30.34.080, Scenic/Visual Corridor Overlay Zone, of the Municipal Code provides development restrictions for lands within this zone. As stated above, I-5 in the vicinity of the project site a Scenic Highway/Visual Corridor (City of Encinitas 2016). For development within

the Scenic/Visual Corridor Overlay Zone, the City gives consideration to “the overall visual impact of the proposed project and conditions or limitations on project bulk, mass, height, architectural design, and grading, and other visual factors may be applied to design review approval and shall be applied to coastal development permit approval.”

The project has been designed to respect the existing character of the I-5 corridor and would not incorporate elements that would obstruct, restrict, or otherwise adversely affect any scenic vista points or scenic views experienced along the corridor. The proposed height of on-site structures would not exceed maximum allowed building height, and therefore, the project is not anticipated to adversely affect scenic resources along the corridor. The project would be subject to the City’s design review process to ensure that the architectural style and character of the proposed structures and other improvements do not adversely affect or reduce the value of any scenic resources along I-5. Further, landscaping would be incorporated into the design to enhance views to the site and to blend the development into the surrounding visual setting.

Based on the discussion above, the project would not cause a significant environmental impact due to a conflict with City Municipal Code regulations adopted for the purpose of avoiding or mitigating an environmental effect. Impacts in this regard would be **less than significant**.

City of Encinitas Climate Action Plan

As stated, the City’s CAP commits to implementing specific programs and projects aimed at reducing and mitigating the impacts of GHG-emitting activities by targeted dates. The CAP organizes strategies, goals, and actions tied to various emissions sources (e.g., transportation, electricity, natural gas, solid waste, water, off-road transportation, and wastewater).

In November 2020, the Encinitas City Council adopted an updated version of the CAP, in which the Housing Element sites are taken into account as part of its overall inventory and analysis. The CAP Update determined that due to the characteristics of the Housing Element projects, the City would be able to continue to comply with emissions reductions targets established in the CAP even with the additional density from development of the Housing Element sites.

Of particular relevance to the proposed project, the CAP requires all new housing be constructed with rooftop solar panels, low-flow fixtures, and solar water heaters. The project as designed would address CAP requirements as the project proposes to install roof-mounted solar panels that would provide up to approximately 149 KW of solar power; install low flow water fixtures in all residential units; and install high-efficiency water heaters or solar water heater systems. Other energy-saving and emission-reducing features proposed include provision of four electric vehicle charging stations (EVCS), compliance with ENERGYSTAR requirements, and installation of LED lighting, among others. Refer to Section 3.5, Energy Conservation and Climate Change, for

additional discussion. As determined therein, the project would not impede implementation of the City's CAP.

For the reasons above, the project would not conflict with the CAP relative to avoidance or mitigation of an environmental effect. Impacts would be less than significant.

2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS)

The 2050 RTP plans for a regional transportation system that enhances the quality of life, promotes sustainability, and offers varied mobility options for both goods and people (SANDAG 2011). The plan addresses improvements for transit, rail and bus service, express and managed lanes, highways, local streets, bicycling, and walking to achieve an integrated, multimodal transportation system by 2050. The project site is located within the Urban Area Transit Strategy Boundary in the San Diego Association of Governments' (SANDAG's) Smart Growth Concept Map (SANDAG 2016). Refer to Section 3.5, Energy Conservation and Climate Change, for a summary of project consistency with the Regional Plan, referred to as San Diego Forward: The Regional Plan. As determined therein, the project would not impede implementation of the RTP/SCS, and therefore, no conflict would occur with project implementation.

Conclusion

The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, including but not limited to the City of Encinitas General Plan, Local Coastal Program, Municipal Code, CAP, or SANDAG's Regional Plan, adopted for the purpose of avoiding or mitigating an environmental impact. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.9-3	The project would not result in cumulative land use impacts. Impacts would be less than cumulatively considerable.
---------------------	---

Geographic Scope

Cumulative projects that would have the potential to be considered in a cumulative context with the project's incremental contribution to a potential cumulative impact relative to land use and planning are identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0, Environmental Analysis, of this EIR. The inclusion of all projects in Table 3.0-1 was based on the location of these projects in

3.9 Land Use and Planning

the general vicinity of the project site and the possibility that these projects, in combination with the proposed project, may conflict with applicable land use plans and policies. Additionally, to be conservative, the cumulative impact analysis includes 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects; refer to Table 3.0-2.

Potential Cumulative Impacts

Land use plans are inherently cumulative in nature due to their long-term programmatic scope; therefore, if a project complies with policies identified in a plan, then the project is not considered to contribute to a cumulative effect. As discussed above, the project site is included in the HEU. As part of the HEU process, potential project-specific impacts were analyzed, as well as potential cumulative impacts from implementation of all the HEU projects combined. The following plans were evaluated as part of the cumulative analysis.

City of Encinitas General Plan and Local Coastal Program

The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan serves as an LCP Land Use Plan for the City. As described under Impact 3.9-2, more than half of the City of Encinitas lies within the boundaries of the California Coastal Zone. Therefore, the majority of the cumulative projects are also located in the Coastal Zone and would be subject to the goals and policies of the LCP as required by the California Coastal Act.

As with the proposed project, each cumulative project within the California Coastal Zone would be evaluated by the City to determine LCP compliance in order to issue a coastal development permit. The project has been designed in conformance with the goals and policies of the City of Encinitas General Plan and LCP, including building height limits, retaining view corridors, maintaining coastal access, and protecting coastal resources, and would obtain a coastal development permit as part of the discretionary process, which would confirm project consistency with the General Plan and LCP. Therefore, with demonstrated conformance with the goals and policies identified in the City of Encinitas General Plan and LCP, the project is not anticipated to contribute to a significant cumulative impact in this regard when considered with other cumulative projects.

City of Encinitas Municipal Code

It is the responsibility of the City to review each individual project to confirm compliance with the City's Municipal Code as part of the discretionary approval process. Conformance with the Municipal Code is administered on a project-specific basis.

As appropriate, all cumulative projects would be required to demonstrate conformance with Chapter 9.32, Noise Abatement and Control, and Chapter 30.40, Performance Standards, of the City Municipal Code which establish property line noise level limits to reduce potential adverse environmental noise effects. No significant noise impacts resulting with project construction or operation were identified. However, due to the site's adjacency to I-5, measures would be required to reduce on-site noise levels at outdoor locations (rooftop decks and pool area) and for reduction of interior noise levels to below the adopted thresholds. Impacts relative to noise would be less than significant with mitigation incorporated; refer to Section 3.10, Noise. As applicable to the project design, with conformance to City Municipal Code noise regulations, the proposed project, when combined with other cumulative projects, is not anticipated to substantially increase noise levels within the surrounding community or to contribute to a significant cumulative impact in this regard.

As noted above, due to the project's location, the site lies within the Hillside/Inland Bluff Overlay Zone and the Scenic/Visual Corridor Overlay Zone. Other cumulative projects considered may be subject to similar overlay zones and the siting and design requirements that are imposed as a result. As such, over time, the project would have the potential to combine with other projects located within these zones in the surrounding viewshed and alter existing views and/or the visual character experienced along the I-5 corridor.

All discretionary projects considered would be subject to the City's design review process on a site-specific basis to ensure the protection of resources, such as scenic bluffs and steep slopes, views to the ocean or lagoon, and/or the established visual character of the community that the City seeks to maintain. Such projects would be evaluated for conformance to grading/site design requirements, as well as building height, materials, architectural style, and other such aspects relative to the applicable overlay zone(s), to minimize potential adverse effects.

The project would be consistent with the Scenic Visual Corridor Overlay Zone. As designed, the project exceeds the allowable encroachment into steep slope areas within the Hillside/Inland Bluff Overlay Zone. However, the project proposes a waiver, as allowed by Density Bonus Law. Project implementation would be contingent on City approval of a waiver to exceed maximum encroachment into steep slope areas. This inconsistency with the Municipal Code would be allowed with City approval of the waiver.

For the reasons above, it is not anticipated that the project would contribute to a significant cumulative impact due to conflict with such overlay zones or associated regulations. The project's contribution to a cumulative impact in this regard would be less than significant.

City of Encinitas Climate Action Plan

As climate change is a global issue, not one project or a collection of cumulative projects have the potential to significantly affect GHG emissions. However, it has been determined project compliance with the City's adopted CAP equates to compliance with local and state climate change efforts. Therefore, with conformance to the CAP (subject to City discretionary review), implementation of the cumulative projects would result in less than significant cumulative impacts. Through evaluation, the project was found to be consistent with the CAP (see Section 3.5, Energy Conservation and Climate Change); therefore, the project is not anticipated to contribute to a significant cumulative impact in this regard. Cumulative impacts would be less than significant.

2050 Regional Transportation Plan and Sustainable Communities Strategy

As determined in Section 3.5, Energy Conservation and Climate Change, the project would not impede implementation of the RTP/SCS. Other cumulative projects would be evaluated for consistency with the RTP/SCS to identify any conflicts and to reduce potential effects, as appropriate. As such, the project is not anticipated to contribute to a significant cumulative effect in this regard. The project's contribution to a cumulative impact would be less than significant.

Conclusion

If incompatibilities or land use conflicts are identified for any of the cumulative projects, it is reasonable to assume the City would either deny the project or require conditions or mitigation to avoid or minimize this type of land use impact. Therefore, the proposed project is not anticipated to contribute to a significant cumulative impact relative to land use and planning. Impacts would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

The purpose of this section is to evaluate the proposed project’s potential noise impacts. This section evaluates short-term construction-related impacts and long-term operational conditions. It also presents relevant regulatory guidelines and local goals and policies related to noise. The analysis in this section is based on the technical *Noise Study*, prepared by Ldn Consulting, Inc. (2022; see Appendix J) and information provided in the *Transportation Impact Study* prepared by Intersecting Metrics (2022; Appendix K). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018). Third-party technical reports were peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Fundamentals of Noise and Vibration

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound and is expressed as cycles per second, or hertz (Hz).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as airborne sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. A typical noise environment consists of a base of steady background noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These sources can vary from an occasional aircraft or train passing by to virtually continuous noise from, for example, traffic on a major highway. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a large and awkward range of numbers. To avoid this, sound levels are described in decibel (dB) units. The decibel scale uses the hearing threshold (20 micropascals) as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.

3.10 Noise

The impacts of noise are not a function of loudness alone. The perceived loudness of sounds is dependent on many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable and can be approximated by A-weighted sound levels. There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels, but are expressed as dB, unless otherwise noted.

Addition of Decibels

The decibel scale is logarithmic, not linear, and therefore sound levels cannot be added or subtracted through ordinary arithmetic. Two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70 dBA sound is half as loud as an 80 dBA sound and twice as loud as a 60 dBA sound. When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dB higher than one source under the same conditions (FTA 2006). Under the decibel scale, three sources of equal loudness together would produce an increase of 5 dB (Caltrans 2013).

Sound Propagation and Attenuation

Generally, sound spreads (propagates) uniformly outward in a spherical pattern, and the sound level decreases (attenuates) at a rate of approximately 6 dB for each doubling of distance from a stationary or point source. Sound from a line source, such as a highway, propagates outward in a cylindrical pattern, often referred to as cylindrical spreading (FHWA 2011). Sound levels attenuate at a rate of approximately 3 dB for each doubling of distance from a line source, such as a roadway, depending on ground surface characteristics (FHWA 2011). Similarly, a halving of the energy of a noise source would result in a 3 dB decrease. No excess attenuation is assumed for hard surfaces like a parking lot or a body of water. Soft surfaces, such as soft dirt or grass, can absorb sound, so an excess ground-attenuation value of 1.5 dB per doubling of distance is normally assumed (FHWA 2011).

Noise levels may also be reduced by intervening structures or landforms; generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm reduces noise levels by 5 to 10 dBA (FHWA 2006). The manner in which older homes in California were constructed generally provides a reduction of exterior-to-interior noise levels of about 20 to 25 dBA with closed windows. The exterior-to-interior reduction of newer residential units is generally 30 dBA or more.

Noise Descriptors

The decibel scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Several rating scales have been developed to analyze the adverse effect of community noise on people. Because environmental noise fluctuates over time, these scales consider that the effect of noise on people is largely dependent on the total acoustical energy content of the noise, as well as the time of day when the noise occurs. The L_{eq} is a measure of ambient noise, while the L_{dn} and community noise equivalent level (CNEL) are measures of community noise. Each is applicable to this analysis and defined in Table 3.10-1, Definitions of Acoustical Terms.

The A-weighted decibel sound level scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends on the distance between the receptor and the noise source. Close to the noise source, the models are accurate to within about plus or minus 1 to 2 dBA.

Table 3.10-1: Definitions of Acoustical Terms

Term	Definitions
Decibel, dB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in micropascals (or 20 micronewtons per square meter), where 1 pascal is the pressure resulting from a force of 1 newton exerted over an area of 1 square meter. The sound pressure level is expressed in decibels as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e.g., 20 micropascals). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and ultrasonic sounds are above 20,000 Hz.

Table 3.10-1, continued

Term	Definitions
A-Weighted Sound Level, dBA	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level, L_{eq}	The average acoustic energy content of noise for a stated period of time. Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night. For example, $L_{eq(1)}$ is the equivalent noise level over a one-hour period and $L_{eq(8)}$ corresponds to an eight-hour period.
L_{max} , L_{min}	The maximum and minimum A-weighted noise level during the measurement period.
L_{01} , L_{10} , L_{50} , L_{90}	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Day/Night Noise Level, L_{dn} or DNL	A 24-hour average L_{eq} with a 10 dBA “weighting” added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the nighttime. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.4 dBA L_{dn} .
Community Noise Equivalent Level, CNEL	A 24-hour average L_{eq} with a 5 dBA “weighting” during the hours of 7:00 p.m. to 10:00 p.m. and a 10 dBA “weighting” added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.7 dBA CNEL.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends on its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

Human Response to Noise

The human response to environmental noise is subjective and varies considerably from individual to individual. Noise in the community has often been cited as a health problem, not in terms of actual physiological damage, such as hearing impairment, but in terms of inhibiting general well-being and contributing to undue stress and annoyance. The health effects of noise in the community arise from interference with human activities, including sleep, speech, recreation, and tasks that demand concentration or coordination. Hearing loss can occur at the highest noise intensity levels.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day or night or over a 24-hour period. Environmental noise levels are generally considered low when the CNEL is below 60 dBA, moderate in the 60 to 70 dBA range, and high above 70 dBA. Examples of low daytime levels are isolated, natural settings with

noise levels as low as 20 dBA and quiet, suburban, residential streets with noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate-level noise environments are urban residential or semi-commercial areas (typically 55 to 60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with noisier urban residential or residential-commercial areas (60 to 75 dBA) or dense urban or industrial areas (65 to 80 dBA). Regarding increases in A-weighted noise levels, the following relationships should be noted in understanding this analysis:

- Except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived by humans.
- Outside of the laboratory, a 3 dBA change is considered a just-perceivable difference.
- A change in level of at least 5 dBA is required before any noticeable change in community response would be expected. An increase of 5 dBA is typically considered substantial.
- A 10 dBA change is subjectively heard as an approximate doubling in loudness and would almost certainly cause an adverse change in community response.

Effects of Noise on People

Hearing Loss

While physical damage to the ear from an intense noise impulse is rare, a degradation of auditory acuity can occur even within a community noise environment. Hearing loss occurs mainly due to chronic exposure to excessive noise, but may be due to a single event such as an explosion. Natural hearing loss associated with aging may also be accelerated from chronic exposure to loud noise.

The Occupational Safety and Health Administration has a noise exposure standard that is set at the noise threshold where hearing loss may occur from long-term exposures. The maximum allowable level is 90 dBA averaged over 8 hours. If the noise is above 90 dBA, the allowable exposure time is correspondingly shorter.

Annoyance

Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. People have been asked to judge the annoyance caused by aircraft noise and ground transportation noise. There continues

3.10 Noise

to be disagreement about the relative annoyance of these different sources. For ground vehicles, a noise level of about 55 dBA L_{dn} is the threshold at which a substantial percentage of people begin to report annoyance.

Sensitive Receptors

Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Additional land uses such as parks, historic sites, cemeteries, and recreation areas are considered sensitive to increases in exterior noise levels. Schools, churches, hotels, libraries, and other places where low interior noise levels are essential are also considered noise-sensitive land uses.

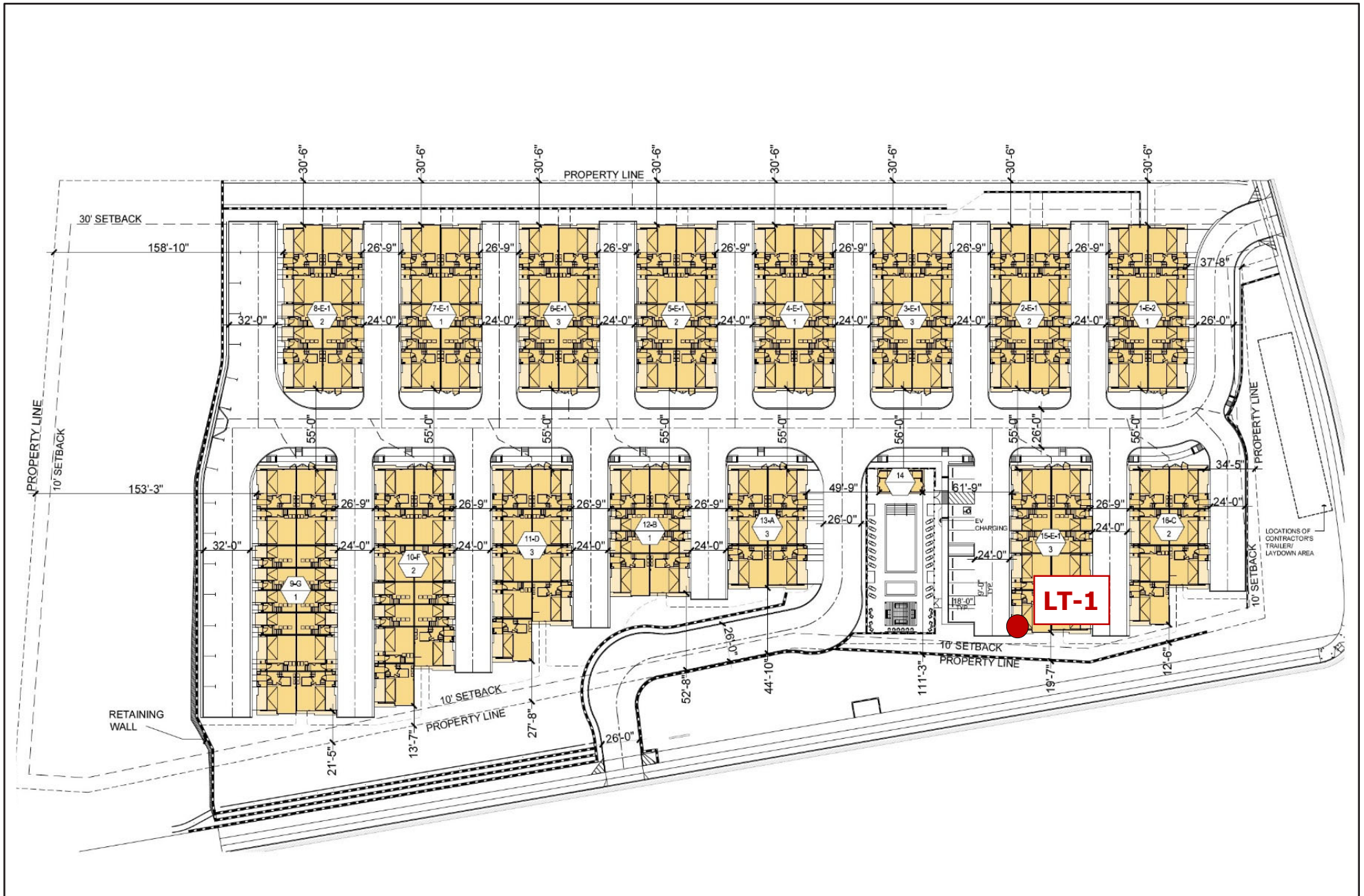
Long-term (24-hour) noise measurements were conducted at one location in the project vicinity, as shown in Table 3.10-2, Measured Ambient Noise Levels, and on Figure 3.10-1, Noise Measurement Locations. The nearest noise-sensitive land uses to the project site are residences immediately to the east. The monitoring location (LT-1) is located in the southern portion of the project site, which has relatively flat topography and is not obstructed by trees or structures. The monitoring location was chosen based on project site access and the noise impact potential on sensitive uses.

Table 3.10-2: Measured Ambient Noise Levels

Measurement Identification	Time	Noise Levels (dBA)	
		L _{eq}	L _{dn}
LT-1	12:00 PM	64.8	64.8
	1:00 PM	65.6	65.6
	2:00 PM	65.6	65.6
	3:00 PM	63.5	63.5
	4:00 PM	65.5	65.5
	5:00 PM	65.3	65.3
	6:00 PM	65.0	65.0
	7:00 PM	67.7	67.7
	8:00 PM	68.1	73.1
	9:00 PM	67.8	72.8
	10:00 PM	66.7	71.7
	11:00 PM	65.8	75.8
	12:00 AM	64.3	74.3
	1:00 AM	61.9	71.9
	2:00 AM	61.3	71.3
	3:00 AM	60.9	70.9
	4:00 AM	63.0	73.0
	5:00 AM	62.0	72.0
	6:00 AM	63.9	73.9
	7:00 AM	67.7	77.7
8:00 AM	66.3	66.3	
9:00 AM	63.6	63.6	
10:00 AM	64.8	64.8	
11:00 AM	62.3	62.3	
Overall		65.2	71.2

Source: Ldn Consulting 2022 (see Appendix J).

This page intentionally left blank.



This page intentionally left blank.

Existing Conditions

The subject site is generally located on the northeast corner of Piraeus Street and Plato Place in the Leucadia community of the City of Encinitas, California. The site is located just east of Interstate 5 (I-5) between La Costa Avenue and Leucadia Boulevard. Piraeus Street lies directly to the west, Plato Place to the south, and existing single-family homes to the north and east. To the north is undeveloped land (to remain in its current state as a proposed off-site preserve area).

On-site elevations range from approximately 15 to 175 feet above mean sea level across the project site (ECORP 2022). Topography of the project site is relatively flat, with slopes on the western and northern edges. A steep slope is present in the vicinity of where the site meets the proposed off-site preserve area.

Ambient noise in the project area is primarily generated by traffic along I-5, as well as Piraeus Street and Plato Place. Other ambient noise sources are typically from the surrounding residential land uses, such as lawnmowers and barking dogs.

REGULATORY FRAMEWORK

Federal

US Environmental Protection Agency

The US Environmental Protection Agency offers guidelines for community noise exposure in the *Noise Effects Handbook – A Desk Reference to Health and Welfare Effects of Noise* (EPA 1981). These guidelines consider occupational noise exposure as well as noise exposure in homes. The EPA recognizes an exterior noise level of 55 decibels day-night level (dB L_{dn}) as a general goal to protect the public from hearing loss, activity interference, sleep disturbance, and annoyance. The EPA and other federal agencies have adopted suggested land use compatibility guidelines which indicate that residential noise exposures of 55 to 65 dB L_{dn} are acceptable. However, the EPA notes that these levels are not regulatory goals, but are levels defined by a negotiated scientific consensus, without concern for economic and technological feasibility or the needs and desires of any particular community.

State

The California Governor's Office of Planning and Research's (OPRs) noise element guidelines include recommended exterior and interior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. The guidelines contain a land use compatibility table that describes the compatibility of various land uses with a range of environmental noise levels in terms of the CNEL. Table 3.10-3, Land Use Compatibility for

3.10 Noise

Community Noise Environments, presents guidelines for determining acceptable and unacceptable community noise exposure limits for various land use categories. The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution.

Table 3.10-3: Land Use Compatibility for Community Noise Environments

Land Use Category	Community Noise Exposure (L_{dn} or CNEL, dBA)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential – Low Density, Single-Family, Duplex, Mobile Homes	50–60	55–70	70–75	75–85
Residential – Multiple Family	50–65	60–70	70–75	70–85
Transient Lodging – Motel, Hotels	50–65	60–70	70–80	80–85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50–70	60–70	70–80	80–85
Auditoriums, Concert Halls, Amphitheaters	NA	50–70	NA	65–85
Sports Arenas, Outdoor Spectator Sports	NA	50–75	NA	70–85
Playgrounds, Neighborhood Parks	50–70	NA	67.5–75	72.5–85
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50–70	NA	70–80	80–85
Office Buildings, Business Commercial and Professional	50–70	67.5–77.5	75–85	NA
Industrial, Manufacturing, Utilities, Agriculture	50–75	70–80	75–85	NA

Source: OPR 2017.

Notes: NA: not applicable; L_{dn} : average day/night sound level; CNEL: community noise equivalent level

Normally Acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable – New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

Normally Unacceptable – New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Clearly Unacceptable – New construction or development should generally not be undertaken.

Local**City of Encinitas General Plan**

The *City of Encinitas General Plan* (1991) is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life in Encinitas. The Encinitas General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses within the community. The relevant goals and policies for the project include:

GOAL 1: Provide an acceptable noise environment for existing and future residents of the City of Encinitas.

Policy 1.7: Apply Title 24 of the California Administrative Code, associated with noise insulation standards, to single-family dwellings.

GOAL 2: Require that new development be designed to provide acceptable indoor and outdoor noise environments.

Policy 2.1: The Noise and Land Use Compatibility Guidelines and the accompanying discussion set forth the criteria for siting new development in the City of Encinitas. Any project which would be located in a normally unacceptable noise exposure area, based on the Land Use Compatibility Guidelines, shall require an acoustical analysis. Noise mitigation in the future shall be incorporated in the project as needed. As a condition of approval of a project, the City may require post-construction noise monitoring and sign off by an acoustician to ensure that City requirements have been met.

GOAL 3: Ensure that residents are protected from harmful and irritating noise sources to the greatest extent possible.

Policy 3.1: The City will adopt and enforce a quantitative noise ordinance to resolve neighborhood conflicts and to control unnecessary noise in the City of Encinitas. Examples of the types of noise sources that can be controlled through the use of a quantitative noise ordinance are barking dogs, noisy mechanical equipment such as swimming pool and hot tub pumps, amplified music in commercial establishments, etc.

GOAL 4: Provide for measures to reduce noise impacts from stationary noise sources.

Policy 4.1: Ensure inclusion of noise mitigation measures in the design and operation of new and existing development.

City of Encinitas Municipal Code

The City's Municipal Code establishes noise criteria to prevent noise and vibration that may jeopardize the health or welfare of the City's citizens or degrade their quality of life. Chapter 9.32, Noise Abatement and Control, and Chapter 30.40, Performance Standards, establish property line noise level limits. These limits apply to existing uses, but will also apply to future uses and are used for evaluating potential impacts of future on-site generated noise levels. Chapter 9.32.410 states that it shall be "unlawful for any person, including the City, to operate

3.10 Noise

construction equipment at any construction site on Sundays, and days appointed by the President, Governor or the City Council for a public fast, thanksgiving, or holiday. Notwithstanding the above, a person may operate construction equipment on the above-specified days between the hours of 10:00 a.m. and 5:00 p.m. No such equipment, or combination of equipment regardless of age or date of acquisition, shall be operated so as to cause noise at a level in excess of 75 decibels for more than eight hours during any 24-hour period when measured at or within the property lines of any property which is developed and used either in part or in whole for residential purposes.”

The property line noise limits are summarized in Table 3.10-4, City of Encinitas Exterior Noise Limits. As stated in Section 30.40.10, “Every use shall be so operated that the noise generated does not exceed the following levels at or beyond the lot line and does not exceed the limits of any adjacent zone.”

Table 3.10-4: City of Encinitas Exterior Noise Limits

Adjacent Zone	Noise Level [dB(A)]	
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Rural Residential (RR), Rural Residential-1 (RR-1), Rural Residential-2 (RR-2), Residential-3 (R-3), Residential-5 (R-5), Residential-8 (R-8)	50	45
Residential-11 (R-11), Residential Single Family-11 (RS-11), Residential-15 (R-15), Residential-20 (R-20), Residential-25 (R-25), Mobile Home Park (MHP)	55	50
Office Professional (OP), Limited Local Commercial (LLC), Local Commercial (LC), General Commercial (GC), Limited Visitor Serving Commercial (L-VSC), Visitor Serving Commercial (VSC)	60	55
Light Industrial (L-I), Business Park (BP)	60	55

Source: Ldn Consulting 2022 (see Appendix J).

The property line ground vibration limits are summarized in Table 3.10-5, City of Encinitas Ground Vibration Limits. As stated in Section 30.40.10 (B), “Every use shall be so operated that the ground vibration generated at any time and measured at any point along the lot line of the lot on which the use is located shall not be perceptible and shall not exceed the following.”

Table 3.10-5: City of Encinitas Ground Vibration Limits

Adjacent Zone	Vibration in Inches per Second	
	Impact	Steady-State
Residential	.006	0.03
Commercial	.010	0.05
Light Industrial	.040	0.020
Public/Semi-Public	.010	0.05

Source: Ldn Consulting 2022 (Appendix J).

In addition to the above operational ground vibration limits, Caltrans has established construction-related vibration limits for human perception and building damage potential. Caltrans' *Transportation and Construction Vibration Guidance Manual* (Caltrans 2020) discloses limits for transient (one-time) sources and continuous/frequent intermittent sources (refer to Table 19 of the Caltrans Manual). The property line ground vibration limit for "older residential structures" is 0.3 inches/second peak particle velocity for continuous/frequent intermittent sources.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

The following thresholds of significance are based on CEQA Guidelines Appendix G. For purposes of this EIR, the proposed project may have a significant adverse impact related to noise and vibration if it would result in:

- Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- Generation of excessive groundborne vibration or groundborne noise levels.
- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, exposure of people residing or working in the project area to excessive noise levels.

PROJECT IMPACTS AND MITIGATION

EXCEED NOISE STANDARDS

Impact 3.10-1	The project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Impacts would be less than significant with mitigation incorporated.
----------------------	---

Noise-sensitive land uses are locations where people reside or where the presence of unwanted sound could adversely affect the use of the land. Residences, schools, hospitals, guest lodging, libraries, and some passive recreation areas would each be considered noise sensitive and may warrant unique measures for protection from intruding noise. The nearest sensitive receptors to

3.10 Noise

the project site are the predominantly single-family residences located adjacent to the east of the project site.

Project Construction

Project construction would involve construction activities such as building demolition, grading, building construction, paving, and architectural coating. The temporary construction noise associated with on-site equipment could potentially expose sensitive receptors to noise levels in excess of the applicable noise standard and/or result in a noticeable increase in ambient noise levels, and/or an exceedance of daytime hour noise standards.

Temporary construction noise levels are expected to be at their highest during grading operations, when the heaviest and most energy-intensive equipment would be utilized on-site. The City of Encinitas requires that noise levels from construction activities do not exceed a sustained noise level of 75 dBA for more than 8 hours at residential property lines, and that construction activity be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday.

As detailed in Table 3.10-6, Construction Noise Levels, noise levels from construction equipment during grading activities are expected to range from 73 dBA to 79 dBA at 50 feet from the equipment.

Table 3.10-6: Construction Noise Levels

Construction Equipment	Quantity	Source Level @ 50 Feet (dBA)*	Cumulative Noise Level @ 50 Feet (dBA)
Tractor/Backhoe	3	72	76.8
Dozer	1	74	74.0
Loader/Grader	1	73	73.0
Excavator	1	79	79.0

Notes: *EPA 1971 and Empirical Data

Source: Ldn Consulting 2022 (see Appendix J).

Throughout the grading process, construction equipment would operate within 50 feet of a sensitive receptor for a short duration, after which it would move to another part of the project site, further from existing sensitive receptors. Based on the data shown in Table 3.10-6, construction noise levels are only expected to be 75 dBA or greater when construction activities occur within close proximity to the property line. Such conditions would only occur for brief periods of time over a given day. However, construction activities that occur on other portions of the project site are anticipated to be less than 75 dBA due to the large area of the site and the constraint of operating multiple heavy construction equipment simultaneously.

Since all grading activities would occur in the first phase of development and grading near the property lines would occur intermittently throughout the day, noise levels would not result in a sustained noise level of 75 dBA for more than 8 hours at any residential property lines. Therefore, with compliance with the City's Municipal Code (i.e., limiting construction activities to hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday), project construction noise would not generate a substantial temporary increase in ambient noise levels in the project vicinity in excess of standards established in the General Plan or noise ordinance. Mitigation measure **NOI-1** would ensure that temporary construction noise complies with the City's noise ordinance by requiring the project applicant to prepare a Construction Noise Control Plan. Implementation of mitigation measure **NOI-1** would reduce potential construction noise impacts to **less than significant with mitigation incorporated**.

Project Operation

According to Section 30.40 of the City's Municipal Code, properties zoned R-2 have a noise limit of 50 dBA between the hours of 7:00 a.m. and 10:00 p.m., and 45 dBA between the hours of 10:00 p.m. and 7:00 a.m.¹ The most sensitive uses to operational noise sources in the project vicinity would be the existing residences immediately to the east of the project site that are zoned R-2. As such, the project must meet the R-2 noise standards (50 dBA daytime level and 45 dBA evening level) at the property line. The following section analyzes potential stationary noise levels associated with operation of the proposed project.

Mechanical Equipment Noise

Noise from a fixed or point source drops off at a rate of 6 dBA for each doubling of distance, which means that a noise level of 70 dBA at 5 feet would be 64 dBA at 10 feet and 58 dBA at 20 feet. Noise from the proposed on-site mechanical ventilation systems (heating, ventilation, and air conditioning, or HVAC) would be a potential source of stationary noise. As air conditioning equipment may be operational during nighttime hours, the more stringent nighttime noise limits would also apply at surrounding properties.

Each residential unit would have a HVAC unit for temperature control installed on the rooftop. The HVAC units would cycle on and off throughout the day. To predict the property line noise level, a reference noise level of 69 dBA at 3 feet was used to represent the HVAC units.

¹ Per Municipal Code Section 30.08.010: "R-30 OL: Residential 30 Overlay is intended to provide for compatible high-density multiple family residential development including apartments, condominiums, and senior housing, with a maximum density of 30 units per net acre and a minimum density of 25 units per net acre. The purpose of the R-30 Overlay Zone is to diversify the housing options available in the community, and expand opportunities for creating affordable housing."

3.10 Noise

The HVAC units are located a minimum of 38 feet from the property lines and would be shielded by a proposed screen wall that would break the line of sight to the HVAC units and provide a minimum 5 dBA reduction. The typical locations of the proposed HVAC units are shown in Figure 3.10-2. Two HVAC units maybe located near each other with the proposed buildings separating them and would create the worst case cumulative noise level. The remainder of the units are separated by at least 80 feet and the proposed screen walls shielding them. This separation of 80 feet would result in a 20 dBA difference between two separate HVAC units and would not cumulatively increase the noise levels. Therefore, a worst case combined noise from HVAC operations would occur from four units.

Utilizing a 6 dBA decrease per doubling of distance, as shown in Table 3.10-7, Project HVAC Noise Levels (Eastern Property Line), operational noise levels from the HVAC equipment would be 45 dBA at the eastern property line, which is in compliance with the City's daytime 50 dBA standard and evening 45 dBA standard for the R-2 zone. Therefore, no impacts are anticipated at the residential property line to the east with the proposed screen walls. All other property lines would be located further from the proposed HVAC units and the resulting noise levels would be below the 45 dBA threshold. Impacts would be **less than significant**.

Table 3.10-7: Project HVAC Noise Levels (Eastern Property Line)

Description	Value
Distance to Nearest Observer Location (Feet)	38
Hourly Reference Noise Level (dBA)	69.0
Noise Source Reference Distance (Feet)	3.0
Noise Reduction Due to Distance (dBA)	-22.1
Reduction Due to Buildings (dBA)	-5.0
Noise Level at Property Line (dBA)	41.9
Quantity	2
Property Line Cumulative Noise Level (dBA)*	45.0

*Complies with the nighttime noise standard of 45 dBA.

Source: Ldn Consulting, 2022 (see Appendix J).

Transportation-Related Noise Levels

Noise levels are calculated on a logarithmic scale where a doubling of traffic noise, without changing the vehicle speeds or mix ratio, would result in a noise level increase of 3 dBA. Noise level changes greater than 3 dBA are often identifiable as audibly louder by the average resident, while changes less than 1 dBA will not be discernible. As such, increases greater than 3 dBA are considered potentially significant.

To determine if direct off-site noise level increases associated with the project would contribute to noise impacts, traffic volumes for the existing conditions were compared with the traffic volume increase of existing plus the proposed project. The project is estimated to generate 894 daily trips with a peak hour volume of 81 trips according to the project traffic study (Intersecting Metrics 2022). According to the traffic study, existing year traffic volumes along Piraeus Street are estimated at 1,786 average daily trips (ADT). Typically, a direct project impact requires that a project double (or add 100%) existing traffic volumes, or otherwise substantially contribute to existing traffic volumes, in order to increase noise levels by 3 dBA L_{dn} . Based on the number of ADT generated, the project would not cause a doubling in traffic volumes along any area roadways, or otherwise substantially increase area traffic volumes, that would contribute to a 3 dBA L_{dn} increase in noise levels.

Additionally, existing homes in the project area are located to the east of the project site and the project would not cause a substantial increase in traffic (and therefore, related mobile noise levels) along any segment of Plato Place. Therefore, the project is not anticipated to contribute to a significant direct (long-term) mobile noise impact in this regard.

Interior noise levels at on-site residences are estimated to be at or below 45 dBA L_{dn} , the City's Noise Compatibility Guidelines for residential structures (refer to Appendix J for additional discussion). However, the project applicant would be required to prepare an interior noise assessment once final architectural plans are available and prior to issuance of the first building permit.

Due to existing traffic along I-5, noise levels at outdoor areas of the project site, including the proposed private rooftop decks and the common pool area, are calculated to be 77 dBA L_{dn} without shielding, which exceeds the City's "conditionally acceptable" noise threshold of 70 dBA L_{dn} for residential uses (refer to Appendix J for additional discussion). Therefore, mitigation measure **NOI-2** would be implemented to require installation of noise barriers at the site, thereby reducing noise levels at outdoor areas in compliance with the City's 70 dBA L_{dn} noise threshold (refer to Figure 3.10-3, Proposed Noise Barrier Locations). Potential impacts would be reduced to **less than significant with mitigation incorporated**.

3.10 Noise

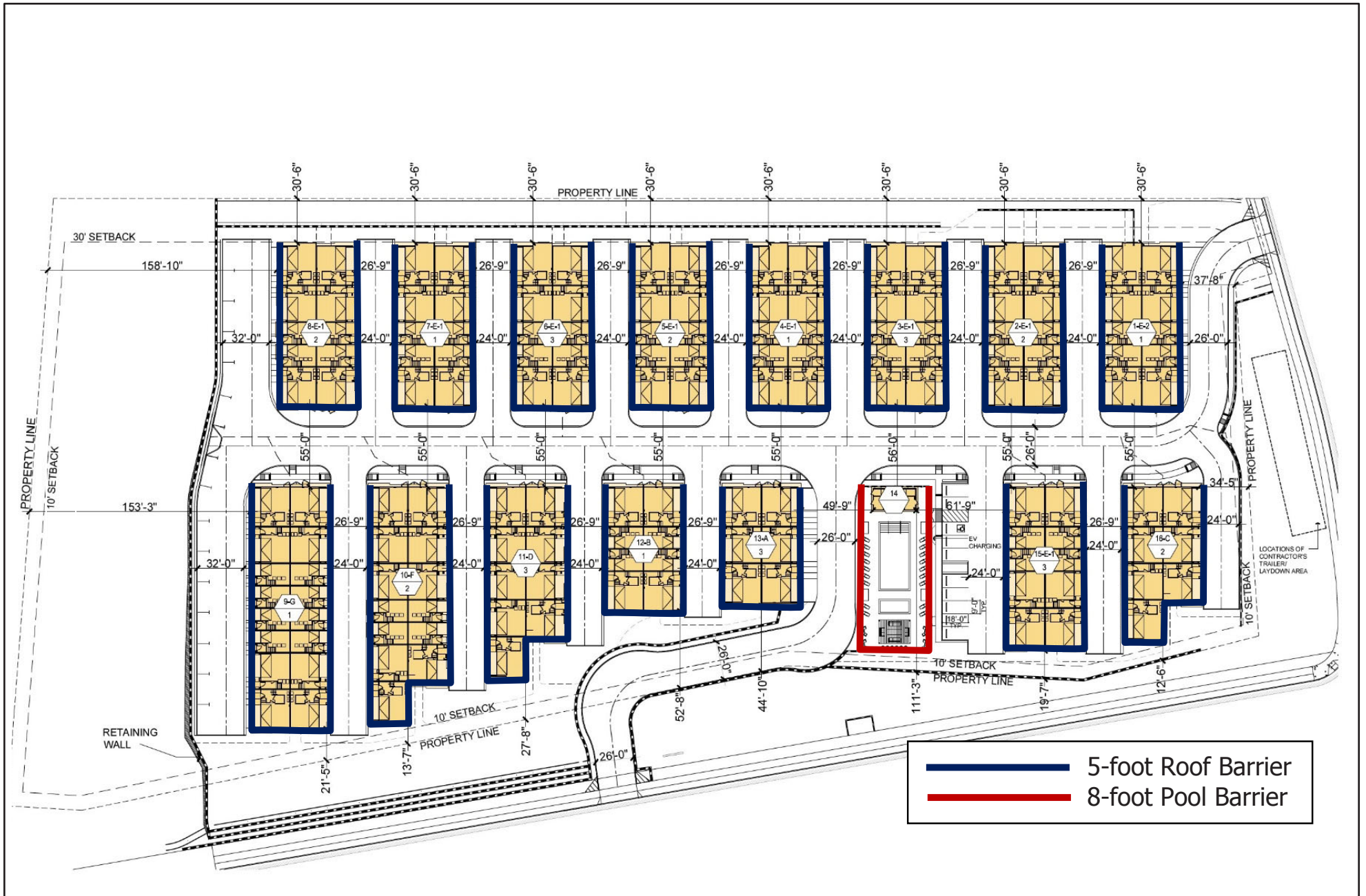
Mitigation Measure:

- NOI-1 Construction Noise Control Plan.** A Construction Noise Control Plan shall be prepared to the satisfaction of the City. The plan shall demonstrate compliance with the City's noise ordinance, including the requirements that construction equipment, or combination of equipment, would not sustain or exceed the City's 75 dBA significance threshold continuously over the course of an 8 hour period.
- NOI-2 Noise Barriers.** A minimum 5-foot noise barrier shall be located along private rooftop decks and a minimum 8-foot barrier shall be located around the on-site common pool area.

Level of Significance: Less than significant.



This page intentionally left blank.



This page intentionally left blank.

EXCESSIVE VIBRATIONS OR NOISE

Impact 3.10-2 The project would not result in the generation of excessive groundborne vibration or groundborne noise levels. Impacts would be less than significant.

Construction

Project construction can generate varying degrees of groundborne vibration, depending on the construction procedure and construction equipment. Operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

Construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic (e.g., plaster cracks) or structural. The distance at which damage from vibration could be experienced can vary substantially depending on the age and composition of the building structure, soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. For example, buildings that are constructed with typical timber frames and masonry show that a vibration level of up to 0.2 inches/second peak particle velocity (PPV) is considered safe and would not result in any construction vibration damage. This evaluation uses the Federal Transit Administration (FTA) architectural damage criterion for continuous vibrations at non-engineered timber and masonry buildings of 0.2 in/sec PPV. The FTA has published standard vibration velocities for construction equipment operations.

The project does not propose the use of pile drivers during construction. Furthermore, it is acknowledged that construction activities would occur throughout the project site and would not be concentrated at a point closest to the sensitive receptors for an extended period of time.

Groundborne vibration decreases rapidly with distance. The nearest vibration-sensitive uses are the residential uses immediately east of the project site, at least 60 feet from the proposed construction. Table 3.10-8, Vibration Levels from Construction Activities (Nearest Receptors), provides the anticipated average vibration levels that would be experienced at the nearest

3.10 Noise

sensitive receptors from temporary construction activities. To be conservative, vibration levels from loaded trucks traveling on-site were assessed at a minimum distance of 60 feet from proposed on-site construction activities.

Table 3.10-8: Vibration Levels from Construction Activities (Nearest Receptors)

Equipment	Approximate Velocity Level at 25 Feet (VdB)	Approximate RMS Velocity at 25 Feet (in/sec) ¹	Approximate RMS Velocity at 60 Feet (in/sec) ²
Small bulldozer	58	0.003	0.0008
Jackhammer	79	0.035	0.0094
Loaded trucks	86	0.076	0.0204
Large bulldozer	87	0.089	0.0239
City Criteria			0.03
Significant Impact?			No

¹ RMS Velocity provided by the FTA (2006).

² PPV (Peak Particle Velocity) at Distance D = PPVref x (25/D)^{1.5} provided by the FTA (2006).

Notes: RMS = root-mean square. The RMS velocity is that of a wave through sub-surface layers of different interval velocities along a specific ray path.

In/sec = inches per second

Source: Ldn Consulting 2022 (see Appendix J).

Table 3.10-8 shows that vibration levels from construction equipment would not exceed the City’s vibration threshold of 0.03 inches per second. Therefore, groundborne vibration impacts from construction equipment would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

Operational

The project proposes a residential development. Project operations would involve occasional truck deliveries (e.g., personal and maintenance purposes) and trash pick-up, which would potentially generate groundborne vibration. However, such truck operations would not be substantial, and related groundborne vibration levels would not be perceptible or felt at surrounding uses.

Project operation would not generate substantial levels of vibration due to the absence of vibration-generating sources. Therefore, noise impacts would be less than significant in this regard.

Mitigation Measures: None required.

Level of Significance: Less than significant.

PUBLIC AIRPORT OR PRIVATE AIRSTRIP

Impact 3.10-3 **The project would not be located in the vicinity of a private airstrip or an airport land use plan or, where such plan has not been adopted, within 2 miles of a public airport or public use airport, and would not expose people residing or working in the project area to excessive noise levels. No impact would occur.**

There are no public or private airports located within 2 miles of the project site and the project site is not within the boundaries of an airport land use plan. The closest (public) airport is McClellan-Palomar Airport, located approximately 3.1 miles northeast of the project site in the City of Carlsbad. No private airstrips are located in the project vicinity.

As such, the project would not expose people residing or working in the project area to excessive noise levels. **No impact** would occur.

Mitigation Measures: None required.

Level of Significance: No impact.

CUMULATIVE IMPACTS

Impact 3.10-4 **The project would not result in a significant cumulative noise impact. Impacts would be less than cumulatively considerable.**

Geographic Scope

When determining whether the overall noise (and vibration) impacts from cumulative projects would be cumulatively significant and whether the proposed project's incremental contribution to any significant cumulative impacts would be cumulatively considerable, it is important to note that noise and vibration are localized occurrences; as such, they decrease rapidly in magnitude as the distance from the source to the receptor increases. Therefore, only those cumulative projects identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0 of this EIR that are in the direct vicinity of the project study areas and those that are considered influential in regard to noise and vibration would have the potential to be considered in a cumulative context with the proposed project's incremental contribution.

Additionally, to be conservative, the cumulative analysis is based on the "worst-case" assumption that all 2019 HEU sites develop under maximum density bonus unit allowances. The cumulative impact analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential Cumulative Impacts

When determining whether the overall noise (and vibration) impacts from cumulative projects would be cumulatively significant and whether the proposed project's incremental contribution to any significant cumulative impacts would be cumulatively considerable, it is important to note that noise and vibration are localized occurrences; as such, they decrease rapidly in magnitude as the distance from the source to the receptor increases.

Short-Term Construction Cumulative Noise Impacts

Construction activities associated with the proposed project and cumulative projects may overlap, resulting in construction noise in the area. However, as analyzed above, construction noise impacts primarily affect the areas immediately adjacent to the project site. As a condition of project approval, the project would be required to prepare a Construction Noise Control Plan to demonstrate that all construction activity is in compliance with all applicable City noise standards and submit it to the City's Planning and Building Department for review and approval, which would reduce construction noise impacts to less than significant levels. All other housing projects covered under the 2019 HEU would be subject to the same requirements. The construction activities associated with other cumulative development projects would also be required to comply with the City's Municipal Code and would incorporate mitigation measures on a project-by-project basis, as applicable, to reduce construction noise pursuant to CEQA provisions. Therefore, with implementation of a City-approved Construction Noise Control Plan, the project's contribution to cumulative short-term construction impacts would be less than cumulatively considerable.

Long-Term (Mobile) Cumulative Noise Impacts

Long-term cumulative noise impacts from mobile sources would occur primarily as a result of increased traffic on area roadways due to buildout of the proposed project and other projects in the vicinity. When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dB higher than one source under the same conditions (FTA 2006). An increase of 3 dB is widely accepted as "barely perceptible." With regard to traffic noise, traffic volumes would need to roughly double to result in a perceptible change in ambient noise levels.

To determine if direct or cumulative off-site noise level increases associated with the project would contribute to noise impacts, traffic volumes for the existing conditions were compared with the traffic volume increase of existing plus the proposed project. The project is estimated to generate 894 daily trips with a peak hour volume of 81 trips according to the project traffic study (Intersecting Metrics 2022). According to the traffic study, existing year traffic along Piraeus Street is 1,786 ADT. Typically, a direct project impact requires that a project double (or add 100%)

existing traffic volumes, or otherwise substantially contribute to cumulative traffic volumes, in order to increase noise levels by 3 dBA L_{dn} . Based on the number of ADT generated, the project would not cause a doubling in traffic volumes along any area roadways, or otherwise substantially increase area traffic volumes, that would contribute to a 3 dBA L_{dn} increase in noise levels.

Additionally, existing homes in the project area are located to the east of the project site and the project would not cause a substantial increase in traffic (and therefore, related mobile noise levels) along any segment of Plato Place.

Therefore, the project is not anticipated to contribute to a significant cumulative (long-term) mobile noise impact in this regard. Impacts would be less than cumulatively considerable.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

This page left blank intentionally.

Section 3.11 Public Services and Recreation

This section discusses the proposed project relative to public services including fire protection, law enforcement, schools, parks and recreation, and other public facilities. Analysis in this section draws upon data in the *City of Encinitas General Plan* (City of Encinitas 1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (City of Encinitas 2018).

ENVIRONMENTAL SETTING

Fire Protection and Emergency Services

The project site is served by the City of Encinitas Fire & Marine Safety Department (Fire Department). The department has 70 full-time employees and 5 divisions: Fire Operations and Support Services, Fire Administration, Loss Prevention and Planning (Fire Prevention), Disaster Preparedness, and Marine Safety Services. The Fire Department operates six fire stations distributed in different areas of the City to serve the approximately 20-square-mile service area (City of Encinitas 2021).

The closest station to the project site is Fire Station 3 located at 801 Orpheus Avenue in Leucadia, approximately one mile to the south. If additional services are required in the event of an emergency, services may be provided from other fire stations operated by the City or other jurisdictions, as needed.

In 2021, the Fire Department responded to 6,143 calls involving fire and medical emergencies, including structure fires, vegetation fires, vehicle fires, and medical aids. As shown in Table 3.11-1, City of Encinitas Emergency Responses (2021), approximately 3.3 percent of the total call volume for emergencies in 2021 were fire related (204 calls). On average, the Fire Department was able to respond to these calls within 5 minutes and 20 seconds (City of Encinitas 2021).

Table 3.11-1: City of Encinitas Emergency Responses (2021)

Response Type	Number of Responses
Alarm	434
Service Call	264
Fire	204
Investigation	13
Hazardous Conditions	89
EMS	4,484
Rescue	46
Other	609
Total	6,143

Source: City of Encinitas 2021.

Law Enforcement

The San Diego County Sheriff's Department serves the project site from its North Coastal Station located at 175 North El Camino Real in Encinitas, approximately 2.8 miles southeast. The station serves nearly 60 square miles including the Cities of Del Mar, Encinitas, and Solana Beach and the unincorporated communities of Rancho Santa Fe, Del Dios, Camp Pendleton, and San Onofre, providing public safety services to more than 80,000 residents (San Diego County Sheriff's Department 2022a).

The North Coastal Station staffs approximately 113 total staff, which includes 26 active members of the City's Senior Volunteer Unit (San Diego County Sheriff's Department 2022a). According to the City of Encinitas General Plan Housing Element Update (HEU) Environmental Assessment, response time averages for the 2013–2014 fiscal year were as follows: Priority 1 – 6.0 minutes; Priority 2 – 10.9 minutes; Priority 3 – 16.1 minutes; and Priority 4 – 45.8 minutes (City of Encinitas 2016a). In March 2022, the North Coastal Station received 1,680 calls for service (San Diego County Sheriff's Department 2022b). The station's response time averages for March 2022 were as follows: Priority 1 – 6.19 minutes; Priority 2 – 10.15 minutes; Priority 3 – 13.79 minutes; Priority 4 – 17.31 minutes; Priority 5 – 22.92 minutes; Priority 6 – 27.51 minutes; and Priority 7 – 54.23 minutes (San Diego County Sheriff's Department 2022b).

Schools

The project site is located in the Encinitas Union School District (EUSD), which serves the City and the La Costa area of Carlsbad in north San Diego County through its nine K-6 elementary schools. Approximately 5,400 students are served by the EUSD (EUSD 2022a). In the project area, students in kindergarten through sixth grade would attend Capri Elementary School, at 941 Capri Road, approximately 0.4 miles southeast of the project site (EUSD 2022b).

Students in the project area would attend middle school and high school in the San Dieguito Union High School District (SDUHSD). The SDUHSD serves students from five elementary school districts in North County: Encinitas, Rancho Santa Fe, Cardiff, Solana Beach, and Del Mar. Students from these elementary school districts matriculate through SDUHSD middle schools and high schools, with the exception of those from the Rancho Santa Fe School District, who enter SDUHSD as freshmen (SDUHSD 2022a).

Middle school students (7th and 8th grades) would attend Diegueño Middle School, at 2150 Village Park Way Drive (approximately 3.4 miles southeast of the project site) and high school students (9th through 12th grades) would attend La Costa Canyon High School located at 1 Maverick Way in the City of Carlsbad (approximately 3.8 miles east of the project site) or San

Dieguito Union High School Academy located at 800 Santa Fe Drive in the City of Encinitas (approximately 3.1 miles southeast of the project site) (SDUHSD 2022b).

Parks

As of July 2022, the City’s Parks, Recreation, & Cultural Arts Department maintains 152 acres of developed/undeveloped parks, 82 acres of open space, 45 acres of beaches, 40 miles of trails, and 10 miles of streetscapes (City of Encinitas 2022). The department has four operating divisions: Administrative Services; Cultural Arts; Parks, Beaches and Trails; and Recreation. The department is responsible for a range of services including recreation programs; citywide special events such as the Holiday Parade, Spring Egg Hunt, Summer Concerts, Movies in the Park, and the Cyclovia; park, beach, and recreational trail maintenance; streetscape maintenance; animal control services; and oversight of the administration of the Encinitas Ranch Golf Authority.

The City also borders the Pacific Ocean which offers opportunities for swimming, surfing, walking, running, sailing, and similar activities, as well as passive recreational activities such as picnicking and public gathering. The Pacific Ocean is approximately 0.9 miles west of the project site.

As stated in Recreation Element Policy 1.5 in the Encinitas General Plan, the City’s goal is to provide a minimum of 15 acres of local recreational area per 1,000 residents, devoted to neighborhood and other local recreational facilities, community parks, and passive open space in undeveloped preserves (City of Encinitas 1991). The City encourages neighborhood parks within walking distance for all urban area residents. According to the City’s Parks, Beaches, Trails, and Open Space Master Plan (City of Encinitas 2016b), the City has 1,264.2 acres of parks and recreational space; refer to Table 3.11-2, Existing Parks, Beaches, and Open Space. These lands are either owned by the City, county, or state.

Table 3.11-2: Existing Parks, Beaches, and Open Space

Category	Total Acreage
Parks	295.0
Beaches	84.0
Open Space	1,264.2
Total	1,643.2

Source: City of Encinitas Parks, Beaches, Trails, and Open Space Master Plan (City of Encinitas 2016b).

Other Services and Facilities

Other existing public facilities available to support the population in the vicinity of the project site include libraries, hospitals, and general City administration. The San Diego County Library Encinitas Branch is located at 540 Cornish Drive, approximately 2.2 miles southwest of the project site. The nearest hospital is Encinitas Medical Center, approximately 2.5 miles southwest, at 1200

3.11 Public Services and Recreation

Garden View Road. City Hall is located at 505 S. Vulcan Avenue, approximately 2.2 miles southwest.

REGULATORY FRAMEWORK***State*****Quimby Act**

Since the passage of the 1975 Quimby Act (California Government Code Section 66477), cities and counties have been authorized to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements. Revenues generated by the Quimby Act cannot be used for the operation and maintenance of park facilities. The goal of the Quimby Act was to require developers to help mitigate the impacts of property improvements. The act gives authority for passage of land dedication ordinances only to cities and counties.

The Mello-Roos Community Facilities Act

The Mello-Roos Community Facilities Act (Government Code Section 53311 et seq.) is a tax-based financing method available to cities, counties, and special districts. It authorizes local governments to establish community facilities districts within which they may levy special taxes and issue bonds to finance open space acquisition, maintenance, and other programs. Approval of the special tax and any related bond issue requires approval by two-thirds of the district electorate.

Local**City of Encinitas General Plan**

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

Public Safety Element

GOAL 1: Public health and safety will be considered in future land use planning.

Policy 1.8: New residential and commercial construction shall provide for smoke detector and fire sprinkler systems to reduce the impact of development on service levels.

- Policy 1.9: Adequate safety service levels shall be maintained and provided for by new development.
- Policy 1.10: The public safety program shall provide for a response plan that strives to reduce life and property losses through technology, education, training, facilities and equipment.
- Policy 1.11: The public safety system shall provide standards and level of service guidelines that assure a quality of life and protection of life and property from preventable losses.
- Policy 1.14: Where development creates the need for new public safety services and/or equipment, that development shall be responsible for the cost of such services/equipment.
- Policy 1.16: The City and its service districts and agencies shall maintain adequate levels of staffing, materials and equipment to assure timely response to demands for public safety measures.

Recreation Element

GOAL 1: The maintenance of the open space resources in the planning area will continue to be emphasized.

- Policy 1.2: Consider the enactment of a "Quimby Ordinance" to ensure that new residential development is provided with open space/recreational amenities. In addition, explore all other available funding resources and alternatives for acquisition and development of parking and open space lands.
- Policy 1.3: Enforce local laws regarding the vandalism of park property and incorporate citizen involvement into the program through the "neighborhood watch" programs and other community efforts.
- Policy 1.5: Provide a minimum of 15 acres of local recreational area for each 1,000 populations for the entire community. This area should be devoted to neighborhood and other close-at-hand recreation facilities, community parks, and passive open space in undeveloped preserves and wilderness areas. This policy shall not be construed to reduce the minimum standards established under this Element for provision of mini, neighborhood, community, or other park land based on population or service distance.

3.11 Public Services and Recreation

- Policy 1.6: Establish mini-parks and playlots in high density areas where larger parks are inaccessible or impractical to provide, and only when the provision of neighborhood parks to serve local neighborhood park needs is not possible.
- Policy 1.7: Provide a neighborhood park within convenient, and where possible, walking distance for all urban area residents.
- Policy 1.9: Develop parks in conjunction with schools wherever possible and encourage joint use of facilities.
- Policy 1.11: Develop an open space program that will link the various communities together with parks, recreation/pedestrian access and natural visual corridors.
- GOAL 4: A City-wide system of parks which combine established standards and community desires shall be established and maintained.**
- Policy 4.3: Neighborhood parks should be accessible by pedestrians living in the immediate area.

Land Use Element

- GOAL 2: The City should manage slow, orderly growth in accordance with a long-term plan which protects and enhances community values.**
- Policy 2.3: Growth will be managed in a manner that does not exceed the ability of the City, special districts and utilities to provide a desirable level of facilities and services.
- Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing development.

STANDARDS OF SIGNIFICANCE***Thresholds of Significance***

In accordance with the State California Environmental Quality Act (CEQA) Guidelines, the effects of a project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary depending on the nature of the project.

According to Appendix G of the State CEQA Guidelines, the project would have a significant impact if the project results in the need for new or physically altered governmental facilities, in order to maintain acceptable service ratios, response times or other performance objectives, the construction of which could cause significant environmental impacts for any of the public services:

- Fire protection
- Police protection
- Schools
- Other public facilities

Additionally, the project would result in significant impacts related to parks and recreation if it would:

1. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
2. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

PROJECT IMPACTS AND MITIGATION

FIRE PROTECTION

Impact 3.11-1	The project would not result in substantial adverse physical impacts to fire protection services due to the provision of new or physically altered governmental facilities. Impacts would be less than significant.
----------------------	--

As mentioned previously, the project site is located within the jurisdiction of the Encinitas Fire & Marine Safety Department (Fire Department). The closest station is Fire Station 3, located at 801 Orpheus Avenue in Leucadia, approximately one mile south of the project site. If additional services are required in the event of an emergency, services may be provided from other fire stations operated by the City or other jurisdictions, as needed.

The project would allow for future construction of 149 residences (52 one-bedroom homes, 37 two-bedroom homes, and 60 three-bedroom homes). The San Diego Association of Governments (SANDAG) has estimated an average of 2.51 persons per household in 2020 for the City with an approximate population of 62,183 residents, which is the latest data available as of the time of this writing (SANDAG 2020). Therefore, the project would result in the addition of 374 people

3.11 Public Services and Recreation

(2.51 x 149 residences), which is equivalent to an approximate 0.6 percent increase in the City's population.

The National Fire Protection Association Standard 1710 recommends that, to treat medical patients and control small fires, the first response unit should arrive within 6 minutes, 20 seconds from the receipt of a 9-1-1 call for 90 percent of the calls. In 2021, the Encinitas Fire Department responded to 6,143 calls involving fire and medical emergencies, including structure fires, vegetation fires, vehicle fires, and medical aids. Based on a year 2020 population estimate of 62,183 residents, the call volume represents approximately one call per 10.1 residents (62,183 residents/6,143 calls).

The project site , along with the proposed northern off-site preserve area, is mapped as being within a Very High Fire Hazard Severity Zone (City of Encinitas n.d.). As a result, the project site has been designed to incorporate a vertical retaining wall along the northern boundary to provide separation from the adjacent off-site preserve area (to be left as undeveloped, vegetated land) as well as brush management zones of varied width along the perimeter of the development footprint to reduce the potential for wildfire risk and spread.

Vehicular access to the project site would be provided via two entry points: from Piraeus Street from the west and from Plato Place to the south. Both entryways would be two-way and would provide emergency/fire access to the proposed development. No changes to adjacent roadways are proposed as part of the project, and development of the site as proposed would not impede existing emergency response plans for the project area. Additionally, project construction and/or operation are not anticipated to result in closures of local roadways that would have an effect on emergency response or evacuation plans in the vicinity of the project site. It is anticipated that all local roadways would remain open during project construction and operation. Further, construction activities occurring within the project site would comply with all conditions of approval, including grading permit conditions regarding lay-down and fire access, and would not restrict access for emergency vehicles responding to incidents on the site or in the surrounding area. It is anticipated that all vehicles and construction equipment would be staged on-site and off of public roadways, and would therefore not block any designated emergency access routes.

As shown in Table 3.11-1, approximately 3.3 percent of the total call volume for emergencies in 2021 were fire-related (204 calls). The addition of 374 new on-site residents with project implementation is anticipated to generate approximately 37 annual calls for service (374 residents/1 call per 10.1 residents), the majority of which are expected to be medical-related, and only approximately 2 calls (or 5%) would be fire-related. Additionally, due to the site's proximity to an existing fire station (i.e., Fire Station 3); the service level currently maintained by the Fire Department; and conformance with applicable access, water, and protection system requirements per the California Building Code, California Fire Code, and applicable local codes, it

is not anticipated that the project would substantially increase demands on the fire department for fire protection services.

Title 23 of the City’s Municipal Code requires payment of fire service mitigation fees as a condition of discretionary projects. Fees are determined by the Fire Chief and, once collected, are used to provide capital facilities and equipment for fire prevention and control which may include new station construction, station expansion, and/or fire apparatus acquisition (Municipal Code Section 23.92.040). The project applicant would be required to pay such fees prior to issuance of a building permit to reduce potential effects on the City’s ability to provide adequate fire protection services.

For the reasons above, the project would not result in a need for expanded or newly constructed facilities, the construction of which could cause significant environmental impacts. Impacts associated with fire protection services would be **less than significant**. Refer also to Section 3.15, Wildfire, for additional discussion.

Mitigation Measures: None required.

Level of Significance: Less than significant.

LAW ENFORCEMENT

Impact 3.11-2 The project would not result in substantial adverse physical impacts to police protection services due to the provision of new or physically altered governmental facilities. Impacts would be less than significant.

Law enforcement services would be provided by the San Diego County Sheriff’s Department from its North Coastal Station. The station is located at 175 North El Camino Real, approximately 2.8 miles southeast of the project site.

According to the City of Encinitas General Plan HEU Environmental Assessment, response time averages for the 2013–2014 fiscal year were as follows: Priority 1 – 6.0 minutes; Priority 2 – 10.9 minutes; Priority 3 – 16.1 minutes; and Priority 4 – 45.8 minutes (City of Encinitas 2016a). The General Plan EIR HEU Environmental Assessment further states that the Sheriff’s Department has no current plans to increase staffing levels or construct new facilities in the City. In March 2022, the North Coastal Station response time averages for were as follows: Priority 1 – 6.19 minutes; Priority 2 – 10.15 minutes; Priority 3 – 13.79 minutes; and Priority 4 – 17.31 minutes (San Diego County Sheriff’s Department 2022b).

Based on proximity to existing sheriff stations and current service levels maintained by the Sheriff’s Department, and because the project would not require improvements to local roadways that could result in a delay in emergency response travel time, the project is not

3.11 Public Services and Recreation

expected to adversely affect the level of law enforcement protection or response times from the North Coastal Station, nor would the hiring of additional Sheriff's Department staff be required. Project implementation would not result in the need to construct any new law enforcement facilities or physically alter an existing law enforcement facility. Therefore, the project would have a **less than significant** impact on law enforcement services.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SCHOOLS

Impact 3.11-3 The project would not result in substantial adverse physical impacts to schools due to the provision of new or physically altered governmental facilities. Impacts would be less than significant.

The project site is located within the EUSD and SDUHSD and would contribute additional school-aged children to Capri Elementary School, Diegueño Middle School and La Costa Canyon High School or San Dieguito High School Academy. The EUSD and SDUHSD use different student generation numbers for different projects. The EUSD has used numbers ranging from 0.20 students/household up to 0.41 students/housing. The SDUHSD has used numbers from 0.174 students per household to 0.3 students per household. This is often due to differently sized homes which are expected to generate varying numbers of school-aged children. While larger homes are typically expected to generate more students, to be conservative, the analysis for the project assumes a worst-case scenario. Therefore, it is assumed that the EUSD uses a generation rate of 0.41 school-aged students (K-6) per residential dwelling unit while the SDUHSD uses a generation rate of 0.3 school-aged students (7-12) per residential dwelling unit. These totals are specific to students attending EUSD and SDUHSD schools, and do not account for students who attend other, non-public schools such as private schools, charter schools, and/or home schools.

Student generation for each HEU project site was calculated in the HEU Environmental Assessment. Based on the upper range of the student generation rates and proposed development of 149 units, the project is estimated to generate 61 students in the EUSD and 45 students in the SDUHSD, totaling approximately 106 additional students as shown in Table 3.11-3, Estimated Student Generation.¹

1. 149 residences*0.41 = 62 additional EUSD students; 149 residences*0.3 = 45 additional SDUHSD students.

Table 3.11-3: Estimated Student Generation

District	Student Generation Rate	Units	Estimated Students
EUSD	0.41/unit	149	61
SDUHSD	0.3/unit	149	45

Source: City of Encinitas 2018.

Table 3.11-4, School Capacity, provides the student capacity for each school relevant to the proposed project. The EUSD (Capri Elementary School) has a future enrollment capacity of 135 students while the SDUHSD (Diegueño Middle School, La Costa Canyon High School, and San Dieguito High School Academy) has a future enrollment capacity of 1,578. Given the estimated student generation, shown in Table 3.11-3, and the timing of project construction, it is anticipated that the SDUHSD has sufficient capacity to accommodate students associated with the proposed development.

It should be noted that the HEU Environmental Assessment determined that the SDUHSD would have sufficient capacity to accommodate the estimated student generation from full buildout of the HEU; however, the HEU Environmental Assessment also determined the EUSD would have a capacity shortfall of an estimated 431 students. The EUSD may therefore not be able to accommodate the additional students generated by the proposed project depending on when the project is constructed and how enrollment numbers may change prior to occupancy of the subject site.

Buildout of the HEU is anticipated to occur over 20+ years and each future development would require analysis on a project-by-project basis, as well as compliance with applicable General Plan goals and policies and payment of school impact fees pursuant to Government Code Section 53080 or Section 65970. The HEU Environmental Assessment concluded that the payment of fees would be considered full and complete mitigation for each development's impacts, as the payment of fees is intended to ensure adequate school services and space are available. Additionally, future projects would be required to ensure adequate school services are available. With such measures, it was determined that impacts on school services resulting with buildout of the HEU would be reduced to less than significant (City of Encinitas 2018).

Table 3.11-4: School Capacity

School	School District	2021/22 Enrollment	Total Maximum Enrollment Capacity ¹	Future Enrollment Capacity ¹
Capri Elementary School	EUSD	638	773	135
EUSD Subtotal				135
Diegueño Middle School	SDUHSD	780	1,335	555
La Costa Canyon High School	SDUHSD	1,647	3,000	1,353
San Dieguito High School Academy	SDUHSD	2,145	1,815	-330
SDUHSD Subtotal				1,578
Total				1,713

Notes:

¹ As identified in the 2018 Final Environmental Assessment for the 2013-2021 General Plan Housing Element Update.

Source: City of Encinitas 2018; California Department of Education 2022.

As of preparation of this EIR, the EUSD is in the process of preparing a 2020 Facilities Master Plan (FMP) that would analyze existing and future needs of the district for the next 10 to 15 years. There are four primary components of the FMP: educational vision, facilities assessment, demographics review, and financial analysis. The FMP will analyze individual school sites and priorities will be established at both a site-specific level as well as a district-wide level (EUSD 2022c).

Throughout the process, the EUSD will collaborate with various stakeholders and use local data to support their analysis (EUSD 2022c). As such, the EUSD will use the HEU to plan for adequate school facilities. As the project site is included in the HEU, the EUSD will take into account the project’s estimated student generation, as well as those of the other HEU projects, when determining potential expansion to accommodate the increase in students.

Although the EUSD is currently analyzing future facility expansion options in the FMP, specifics of any facility expansion are unknown at this time, and thus considered speculative for purposes of evaluating future impacts of school construction projects. For instance, the EUSD may also consider revising enrollment boundaries rather than expanding existing school sites or constructing a new school. The district, upon a proposed capital project, would be required to conduct environmental review under CEQA.

As stated, all new 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 impacts of new residential development on school facilities. Payment of impact fees required of the project are intended to offset those school district project costs and are considered full mitigation by state statute. Therefore, based on the

capacity of the schools affected, the number of students generated by the project, and mandatory development impact fees, impacts on area schools would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

PARKS AND RECREATION

Impact 3.11-4 The project would not increase the use of existing neighborhood and regional parks or other recreational facilities. Impacts would be less than significant.

The City of Encinitas Parks, Recreation & Cultural Arts Department maintains 152 acres of developed/undeveloped parks, 82 acres of open space, 45 acres of beaches, 40 miles of trails, and 10 miles of streetscapes (City of Encinitas 2022). An increase in the use of existing parks and recreational facilities typically results from an increase in housing or population in an area. As previously stated, the project proposes 149 new residences which would result in the addition of approximately 374 people in the City.

The City's population for the year 2020 was estimated to be 62,183 persons (SANDAG 2020). Based on the person per household estimate of 2.51, the project would support a population of 374 people (2.51 x 149 residential units). The project would represent approximately 0.6 percent increase to the 2020 population (for a total of 62,557 persons) and would therefore not substantially contribute to population growth within the City.

As stated under Recreation Element Policy 1.5 in the Encinitas General Plan, the City's goal is to provide a minimum of 15 acres of local recreational area per 1,000 residents, devoted to neighborhood and other local recreational facilities, community parks, and passive open space in undeveloped preserves (City of Encinitas 1991). Based on the estimated 2020 population (62,183 persons), the City would need to provide approximately 933 acres of parks/open space to meet the adopted General Plan goal. As stated above, the City maintains approximately 1,643.2 acres of parks and recreational space (see Table 3.11-2) which would meet the needs for all residents under current population estimates. As shown in Table 3.11-5, Available Parkland and Demand, the City would maintain a parkland surplus of approximately 705 acres with the project's increase in park demand (938.6 acres).² As such, it is not anticipated that the project would result in a substantial increase in demands on existing recreational facilities or require the construction of new recreational facilities.

² 62,557 residents with the project/1,000 acres = 62.557 x 15 acres per resident = 938.36 acres.

3.11 Public Services and Recreation

Table 3.11-5: Available Parkland and Demand

Population	Parkland Demand (acres)	Parkland Provided (acres)	Surplus (Deficit) (acres)
Existing (2020 Population Estimate)			
62,183	932.8	1,643.2	+710.4
With Project			
62,554	938.3	1,643.2	+704.9

Source: SANDAG 2022; City of Encinitas 2016b.

In addition, the project would include a pool, spa, pool house, firepit with seating, and lounge seating, totaling approximately 6,245 square feet. A total of 51,171 square feet of open space is proposed for the project, with 343 square feet of open space provided per unit. Additionally, (off-site) landscaped areas proposed adjacent to the project site along Piraeus Street and Plato Place could be used by residents for lounging, walking, and other active and passive recreational activities. Such areas would provide additional recreational opportunities to the project’s residents.

All residential development in the City, including the project, is required to provide parkland dedications or in-lieu fees (Government Code Section 66007) prior to issuance of a certificate occupancy in order to offset the impacts of increased demand on park and recreational facilities. With the payment of parkland impact fees, project impacts on park and recreational facilities would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

OTHER FACILITIES

Impact 3.11-5 The project would not result in substantial adverse physical impacts to other public facilities due to the provision of new or physically altered governmental facilities. Impacts would be less than significant.

Other existing public facilities available to support residents of the proposed development include area libraries, hospitals, and general City administration facilities. As stated, the project would increase the City’s population by an estimated 374 residents, thereby generating new demand on such public facilities and related services.

However, additional public facility use generated by the addition of project residents is considered to be negligible as compared to the utilization of public facilities on a City-wide basis. A portion of the City’s Parkland Acquisitions and Improvements Development Fee is intended to be available to support “community facilities,” which may include some of these other facilities. Given the small number of additional residents generated by the proposed project, and because the project applicant would be required to contribute funds through the City’s Parkland

Acquisitions and Improvement Development Fee for community facilities, the project would not result in substantial adverse physical impacts to other public facilities due to the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities. Impacts would be **less than significant** in this regard.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.11-6	The project would not result in a cumulatively considerable impact to public services and recreation. Impacts would be less than cumulatively considerable.
----------------------	--

Geographic Scope

The geographic scope for cumulative impacts to public services and recreation includes the service areas for the Encinitas Fire Department, the San Diego County Sheriff's Department, the EUSD and SDUHSD, and City and regional recreational facilities and parkland.

The cumulative projects in Table 3.0-1, Cumulative Projects, have been determined to be reasonably foreseeable. Refer to Figure 3.0-1, Cumulative Projects Map, for the location of each project relative to the project site. The cumulative projects list (Table 3.0-1) was developed in consultation with the City's Planning Division and includes the HEU sites for which development applications are currently being processed.

To be conservative, the cumulative analysis is based on the "worst-case" assumption that includes the HEU sites (even those yet to file an application with the City) to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential Cumulative Impacts

As determined in Impact 3.11-1, the project would not result in a significant impact related to fire protection services due to the project site's proximity to an existing fire station and because the project would meet all access, water, and protection system requirements. Additionally, the project would not result in permanent changes to adjacent roadways as part of the project, or result in temporary closure of local roadways that may have an effect on emergency response or evacuation plans in the project vicinity.

As with the proposed project, other cumulative projects would be required to analyze potential effects on local roadways and on emergency response times related to fire protection services

3.11 Public Services and Recreation

on a project-by-project basis. As noted in the 2018 HEU Environmental Assessment, future development of the HEU sites would not directly or indirectly conflict with City policy or regulation concerning fire protection services because HEU buildout would occur over 20+ years and would be required to comply with applicable General Plan goals and policies.

The project, as well as other cumulative projects, would be required to pay the City's fire mitigation fees as a condition of approval in compliance with Encinitas Municipal Code Chapter 23.92 to minimize potential adverse effects on the provision of fire protection services. Thus, the project would not contribute to a significant cumulative impact in this regard.

As the proposed project would not result in improvements to adjacent roadways that would cause a delay in travel times, the project would not adversely affect law enforcement services or response times. Other cumulative projects would be required to analyze potential impacts on emergency access and circulation, as well as law enforcement response times, on a project-by-project basis. It is not anticipated that future development of the cumulative projects listed in Table 3.0-1 and the HEU sites would directly or indirectly conflict with City policies or regulations concerning police protection services. All such projects would be required to pay the appropriate law enforcement service mitigation fees as a condition of approval. Therefore, the project, in combination with other cumulative projects, would not contribute to a significant cumulative impact on law enforcement services.

As described under Impact 3.11-3, all of the cumulative projects, including the HEU sites, would be required to pay impact fees in compliance with Government Code Section 53080 or Section 65970 and in collaboration with the City's Development Services Department to offset impacts of new residential development on school facilities. The HEU Environmental Assessment determined that the SDUHSD would have sufficient capacity to accommodate the estimated student generation from full buildout of the HEU, while the EUSD would have a capacity shortfall of approximately 431 students (City of Encinitas 2018).

As of preparation of this EIR, the EUSD is in the process of preparing an FMP that would analyze existing and future needs of the district for the next 10 to 15 years. Although the EUSD is currently analyzing future facility expansion options in the FMP, specifics of any facility expansion are not known at this time, and are therefore considered speculative for purposes of evaluating future impacts of school construction projects. If the EUSD were to propose an improvement project, further environmental review in conformance with CEQA regulations would be required.

Throughout the process, the EUSD will collaborate with various stakeholders and use local data to support their analysis (EUSD 2020). As such, the EUSD will use the HEU to plan for adequate school facilities. As the proposed project is included in, and consistent with, the HEU, the EUSD would take into account the project's estimated student generation, as well as that of the other

HEU projects, when determining potential expansion to accommodate the future increase in students.

As stated, future development projects within the City would be required to make payment of school impact fees. As payment of fees is considered full and complete mitigation for potential development's impacts, a cumulative impact would not occur. Therefore, the project would not contribute to a significant cumulative impact related to the provision of school services.

As shown in Table 3.11-5, Available Parkland and Demand, the City currently maintains approximately 710 acres of excess recreational space based on the General Plan requirement of providing 15 acres of parkland per 1,000 population. Development of the other cumulative projects and the HEU sites would increase the population of the City, and therefore, alter the amount of parkland provided per population over time.

Based on the current excess of 710 acres of parkland, combined with the payment of parkland fees and provision of new parkland or recreational amenities as part of future development projects, the City is anticipated to have the capacity to accommodate future growth without adverse effects on the provision of parkland. Therefore, the City would have an adequate availability of recreational space for the cumulative projects, and the project would not contribute to a significant cumulative impact related to parks and recreation.

In summary, with project implementation, potential impacts associated with public services and recreational facilities would be less than significant. Development of other cumulative projects, including the HEU sites, would be subject to payment of appropriate development impact fees and/or construction of new or expanded public or recreational facilities on a project-by-project basis and in accordance with applicable local, state, and federal agency requirements. Such measures would ensure that substantial increases in demand (and significant impacts) on public services and local and regional recreational amenities are avoided or reduced to the extent feasible.

The proposed project, in combination with the cumulative projects considered, is not anticipated to overburden the respective emergency service providers or other public service providers such that they are unable to maintain acceptable response times or service levels, or otherwise result in a significant cumulative impact to public services and facilities, or a deficiency in service ratios or degradation of existing recreational facilities. As no new facilities would be constructed without being evaluated by the appropriate agency, potential expansion of facilities would not result in an unknown environmental impact.

For the above reasons, the project is not anticipated to contribute to a significant cumulative impact relative to public services and recreation. Impacts would be **less than cumulatively considerable**.

3.11 Public Services and Recreation

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

Section 3.12 Transportation

This section describes regulations related to transportation and circulation and the existing transportation systems in the project area; identifies significance criteria for impacts on transportation and circulation; and evaluates potential impacts associated with the proposed project. Discussion in this section is based on the *Transportation Impact Study* prepared by Intersecting Metrics (2023~~2~~; see Appendix K) for the project. Additional information was obtained from the City of Encinitas General Plan Circulation Element (2018). Technical reports were peer reviewed by Michael Baker International and the City of Encinitas.

With implementation of Senate Bill 743, described below under Regulatory Framework, automobile delay, as measured by level of service (LOS), is not considered a significant effect on the environment. Therefore, in accordance with the California Environmental Quality Act (CEQA), the LOS analysis is not addressed in this EIR; however, it will still be considered by the City's decision-makers when making General Plan findings for the project. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if this EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made.

ENVIRONMENTAL SETTING

Access to the project ~~site~~-[vicinity](#) is provided from the regional transportation network via Interstate 5 (I-5), La Costa Avenue, Leucadia Boulevard, Piraeus Street, and Plato Place. Descriptions of these roadways are provided below:

- *Interstate 5* - Within the project study area, I-5 is a north-south freeway that runs through the San Diego region. Access from I-5 to the project vicinity is via the La Costa Avenue and Leucadia Boulevard interchanges. Within the City of Encinitas, I-5 has four northbound and four southbound general purpose lanes. The posted speed limit on I-5 is 65 miles per hour (mph) (Intersecting Metrics 2023~~2~~).
- *La Costa Avenue* - Between the I-5 southbound (SB) ramps and El Camino Real, La Costa Avenue is a four-lane roadway with a posted speed limit of 55 mph. Parking is prohibited along both sides of this segment of the roadway. La Costa Avenue has a raised median east of the I-5 northbound (NB) ramps and a painted median between the I-5 SB and NB ramps. Six-foot-wide Class II bike lanes are present on both sides of the roadway. Sidewalks are provided on both sides of the roadway between the I-5 SB ramps and Piraeus Street; however, sidewalks are only provided along the north side of the roadway, along Batiquitos Lagoon, east of Piraeus Street. It should be noted that there are no active land uses on the south side of the roadway for pedestrians to access. Additionally, there

3.12 Transportation

are no active transit services or facilities along La Costa Avenue within the project study area. Between I-5 and El Camino Real, La Costa Avenue is classified as a four-lane major roadway by the City of Encinitas General Plan Circulation Element (2018); thus, it is built to its ultimate classification (City of Encinitas 2018; Intersecting Metrics 2023~~2~~).

- *Leucadia Boulevard* - Between the I-5 SB ramps and Garden View Road, Leucadia Boulevard is a four-lane roadway, with a raised median and a posted speed limit of 45 mph. Parking is prohibited on both sides of this segment of the roadway. Buffered Class II bike lanes are provided along both sides of the roadway. Sidewalks are provided along both sides of Leucadia Boulevard between the I-5 SB ramps and Quail Gardens Drive. Single-family residences as well as Doug Timmons Golf Course front onto this segment of Leucadia Boulevard. North Coast Transit District (NCTD) bus route #304 runs along Leucadia Boulevard/Olivenhain Road, between Saxony Road and Rancho Santa Fe Road. Leucadia Boulevard is classified as a four-lane major roadway by the City of Encinitas General Plan Circulation Element (2018); thus, it is built to its ultimate classification (City of Encinitas 2018; Intersecting Metrics 2023~~2~~).
- *Piraeus Street* - Between La Costa Avenue and Leucadia Boulevard, Piraeus Street is a two-lane roadway, divided by a double yellow lane, with a posted speed limit of 45 mph. Parking is prohibited on both sides of this segment of the roadway. Class II bike lanes are provided on both sides of the roadway with exception of the segment between Christine Place and Olympus Street, in which a Class III bike route, designated by sharrows, is provided in the northbound direction, with the Class II bike lanes continuing in the southbound direction. Sidewalks are generally not provided along Piraeus Street with the exception of a 300-foot segment along the east side of the roadway directly north of Normandy Road, as well as along the east side of the roadway between Leucadia Boulevard and Ocean View Way. No transit services or facilities are located along Piraeus Street. The City of Encinitas General Plan Circulation Element does not classify Piraeus Street as a Circulation Element roadway (City of Encinitas 2018; Intersecting Metrics 2023~~2~~).
- *Plato Place* - Plato Place is a two-lane, undivided roadway with no posted speed limit. Parking is prohibited along both sides of the roadway. No bicycle, pedestrian, or transit facilities are presently located along Plato Place. The road provides a connection point between a single-family neighborhood to the east and Piraeus Street. The City of Encinitas General Plan Circulation Element does not classify Plato Place as a Circulation Element roadway (City of Encinitas 2018; Intersecting Metrics 2023~~2~~).

There are no transit routes that operate bus stops within the project vicinity. As mentioned above, NCTD bus route #304 operates along Leucadia Boulevard/Olivenhain Road between

Saxony Road and Rancho Santa Fe Road, approximately 1 mile southeast of the project site. The La Costa Avenue park-and ride facility is located approximately 0.3 miles north of the project site, across La Costa Avenue. The closest major transit station to the project site is the Encinitas Transit Station, located approximately 2 road miles south. The station provides access to NCTD's COASTER (commuter heavy rail) and NCTD bus routes #101, #304, and #309.

North Coast Highway 101 is located approximately 0.6 miles west of the project site and is heavily traveled by bicyclists. The road currently supports both Class II and Class III bicycle facilities. Other roads within the City that offer Class II bicycle facilities include Carlsbad Boulevard, Leucadia Boulevard, Quail Gardens Drive, Nardo Road, Garden View Road, Via Cantebria, El Camino Real, Rancho Santa Fe Road, Manchester Avenue, La Costa Avenue, Mountain Vista Drive, Encinitas Boulevard, and Santa Fe Drive.

The City's planned pedestrian circulation system consists of connecting sidewalks along roadways as well as recreational trails. Sidewalks are currently present along (portions of) the eastern side of Piraeus Street directly north of Normandy Road and between Leucadia Boulevard and Ocean View Way; both sides of La Costa Avenue (except along Batiquitos Lagoon where sidewalks are only present along the north side of the roadway); and both sides of Leucadia Boulevard. The project site is located approximately 0.6 miles south of Batiquitos Lagoon, which provides opportunities for passive and active recreation.

REGULATORY FRAMEWORK

Federal

Federal rules and regulations affect the City's traffic and circulation system (i.e., I-5) including transportation planning and programming; funding; and design, construction, and operation of facilities. The City complies with all applicable rules and regulations of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, the Federal Aviation Administration, and other federal agencies, as appropriate. In addition, the City coordinates with federal resource agencies where appropriate in the environmental clearance process for transportation facilities.

Congestion Management Process

Federal Highway Administration 23 Code of Federal Regulations 450.320 requires that all transportation management areas address congestion management through a process involving an analysis of multimodal metropolitan area-wide strategies that are developed to enhance safety and integrated management of new and existing transportation facilities eligible for

3.12 Transportation

federal funding. The San Diego Association of Governments (SANDAG) has been designated as having jurisdiction over transportation management areas in the San Diego region.

Regional**Regional Transportation Improvement Program 2018**

SANDAG, acting as the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA), is required to adopt a Regional Transportation Improvement Program (RTIP). Transportation projects funded with federal and state sources and the San Diego transportation sales tax program (TransNet) must be included in an approved RTIP. The programming of locally funded projects may be included at the discretion of the agency. SANDAG adopted the 2018 Regional/Federal Transportation Improvement Program (RTIP/FTIP) in September 2018. The RTIP/FTIP represents a multibillion-dollar, five-year program of major transportation projects (such as proposed highway arterial, transit, and non-motorized projects) funded by federal and state sources, the local San Diego transportation sales tax (TransNet), and other local and private funding covering fiscal year (FY) 2018/2019 to FY 2022/2023.

The 2018 RTIP is a prioritized program designed to implement the region's overall strategy for providing mobility and improving the efficiency and safety of the transportation system, while reducing transportation-related air pollution in support of efforts to attain federal and state air quality standards for the region. The 2018 RTIP also incrementally implements the 2050 Regional Transportation Plan (2050 RTP), the long-range transportation plan for the San Diego region, which was approved by the SANDAG Board of Directors in October 2011. The 2050 RTP is referred to as *San Diego Forward: The Regional Plan* (see discussion below).

2050 Regional Transportation Plan and Sustainable Communities Strategy

Regional transportation plans are developed to identify regional transportation goals, objectives, and strategies. Such plans are required to be prepared in conformance with the goals of Senate Bill 375 aimed at reducing regional greenhouse gas (GHG) emissions from automobiles and light-duty trucks through changes in land use and transportation development patterns.

SANDAG serves as the RTPA for the Southern California region and is therefore 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.

The 2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) provides guidance for investing an estimated \$208 billion in local, state, and federal transportation funds anticipated to be available within the San Diego region over the next three decades. The 2050 RTP plans for a regional transportation system that enhances quality of life, promotes sustainability, and offers varied mobility options for both goods and people. The plan addresses improvements for transit, rail and bus service, express and managed lanes, highways, local streets, bicycling, and walking to achieve an integrated, multimodal transportation system by 2050. In accordance with the requirements of Senate Bill 375, the plan includes a Sustainable Communities Strategy that provides regional guidance for reduction of GHG emissions to state-mandated levels over upcoming years. The 2050 RTP/SCS are components of *San Diego Forward: The Regional Plan*, adopted by SANDAG in 2019.

State

Senate Bill 375

Senate Bill 375 (codified in the Government Code and the Public Resources Code) took effect in 2008 and provides a new planning process to coordinate land use planning, regional transportation plans, and funding priorities in order to help California meet the GHG reduction goals established by Assembly Bill 32. Senate Bill 375 requires MPOs to incorporate a Sustainable Communities Strategy in their Regional Transportation Plans to achieve GHG emissions reduction targets by reducing vehicle miles traveled from light-duty vehicles through the development of more compact, complete, and efficient communities.

Senate Bill 375 required the California Air Resources Board (CARB) to set regional targets for reducing GHG from passenger vehicle use. In 2010, CARB established targets for 2020 and 2035 for each region in California governed by an MPO. SANDAG is the MPO for the San Diego region. The SANDAG target, as set by CARB, is to reduce the region's per capita emissions of GHGs from cars and light trucks by 7 percent by 2020, compared with a 2005 baseline. By 2035, the target is a 13 percent per capita reduction. Senate Bill 375 does not require CARB to set targets beyond 2035. Nevertheless, the Regional Plan also includes a 2050 time horizon to integrate the TransNet Program, which has a 2048 time horizon (very close to 2050).

Senate Bill 743

Senate Bill 743 was signed into law in September 2013 and includes several changes to CEQA for projects located in areas served by transit (e.g., transit-oriented development, or TOD). Most notably with regard to transportation and traffic assessments, Senate Bill 743 changed the way that transportation impacts are analyzed under CEQA (see Public Resources Code Section 21099).

3.12 Transportation

Senate Bill 743 required the Governor’s Office of Planning and Research (OPR) to amend the CEQA Guidelines to exclude LOS and auto delay when evaluating transportation impacts.

With implementation of Senate Bill 743, new criteria have been established to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. The Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA (Guidelines) provided recommendations for updating the state’s CEQA Guidelines in response to Senate Bill 743 and contained recommendations for a vehicle miles traveled (VMT) analysis methodology in an accompanying Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory).

The Guidelines, including the Technical Advisory, recommended use of automobile VMT per capita as the preferred CEQA transportation metric, along with the elimination of automobile delay/LOS for CEQA purposes statewide. Public Resources Code Section 21099 and CEQA Guidelines Section 15064.3 reflect this change. Under Section 21099, automobile delay, as measured by LOS or similar measures of traffic congestion or vehicular capacity, is not considered a significant effect on the environment.

Local**City of Encinitas General Plan**

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

Circulation Element

GOAL 1: **Encinitas should have a transportation system that is safe, convenient and efficient, and sensitive to and compatible with surrounding community character.**

Policy 1.2: Endeavor to maintain Level of Service C as a basic design guideline for the local system of roadways understanding that the guideline may not be attainable in all cases.

Policy 1.3: Prohibit development which results in Level of Service E or F at any intersection unless no alternatives exist and an overriding public need can be demonstrated.

Policy 1.10: Encourage the design of roads and traffic controls to optimize safe traffic flow by minimizing turning, curb parking, uncontrolled access, and frequent stops.

Policy 1.15: The City will actively support an integrated transportation program that encourages and provides for mass transit, bicycle transportation, pedestrians, equestrians, and carpooling.

Policy 1.17: Standards shall be established and implemented to provide for adequate levels of street lighting, based on criteria of safety and related to volumes of vehicular, pedestrian and bicycle activity and potential points of conflict. Such standards shall be designed to respect different community and neighborhood needs for lighting, different community standards for design and special attention given to preservation of dark sky.

GOAL 2: The City will make every effort to develop a varied transportation system that is capable of serving both the existing population and future residents while preserving community values and character.

Policy 2.2: Require new residential development to have roadways constructed to City standards before the roads can be dedicated to the City.

Policy 2.10: Establish landscaping buffer and building setback requirements along all roads which are local augmented status or larger, except where inappropriate.

GOAL 7: Every effort will be made to have new development, both in the City and in the region, provide for all costs of the incremental expansion of the circulation system necessary to accommodate that development. Costs include, but are not limited to, costs of right-of-way and construction, including costs of moving utilities and structures, and costs for landscaping and intersection improvement.

Although Policies 1.2 and 1.3 are relevant for planning purposes, these LOS policies rely on measurements used for evaluating automobile delay. Therefore, pursuant to CEQA, these policies are not applicable to the environmental impact analysis in this EIR.

City of Encinitas Bikeway Master Plan

The City includes bicycle facilities along Highway 101 and several major roadways. The North Coast Highway 101 corridor is a highly traveled bicycle corridor through the City of Encinitas and regionally within San Diego County and supports both Class II and Class III bike facilities. Class II

3.12 Transportation

bicycle facilities are currently provided along Carlsbad Boulevard, Leucadia Boulevard, Quail Gardens Drive, Nardo Road, Garden View Road, Via Cantebria, El Camino Real, Rancho Santa Fe Road, Manchester Avenue, La Costa Avenue, Mountain Vista Drive, Encinitas Boulevard, and Santa Fe Drive.

Let's Move Encinitas! Pedestrian Travel and Safe Routes to School Plan

The federal Safe Routes to School Program is implemented by the Department of Transportation to encourage primary, middle, and high school students to walk and bicycle to school and provide safe means of doing so. Each state is apportioned funds, which are distributed to state, local, and regional agencies to finance program-related non-infrastructure activities, such as public awareness campaigns, and infrastructure projects in the vicinity of schools (defined as the approximately 2-mile area within bicycling and walking distance of the school). The City adopted its *Let's Move Encinitas! Pedestrian Travel and Safe Routes to School Plan* in March 2015 to address the need for pedestrian travel within the urbanized areas of the City as well as the more rural areas, to plan for safe routes to school, and to provide pedestrian access to the coastal zone. The plan identifies potential improvement locations based on the need for pedestrian facilities and known pedestrian safety issues.

City of Encinitas Active Transportation Plan Administrative Draft April 2018

The City of Encinitas Active Transportation Plan is intended to address not only local travel needs, but crosstown and regional bicycle and pedestrian travel as well. This plan is intended to be responsive to General Plan changes and to bring the document into conformance with the City's latest Climate Action Plan, complete streets policies, and other local goals and objectives. Objectives identified include establishing biking and walking facility types and identifying connections between the City's bikeway system and the regional system.

The document evaluates the City's existing bikeway facility system and its relationship with other systems, including public transit, and recommends access to transit improvements where appropriate. The plan aims to maximize the efficiencies offered by multimodal connections between public transit, walkways and bikeway, including providing more convenient walking and bicycling facilities for residents who do not have ready access to motor vehicles, as well as encouraging those with access to motor vehicles to consider biking or walking as viable alternatives to driving.

Encinitas City Council Ordinance 2019-24

Ordinance 2019-24 amended both Title 24 and Title 30 of the Encinitas Municipal Code to provide consistent language for the requirements of pedestrian and bicycle connectivity 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.

STANDARDS OF SIGNIFICANCE

Methodology

The following summarizes the methodology used in this analysis. Additional background information and an in-depth discussion as to the technical approach is provided in Appendix K of this EIR.

Screening Criteria

OPR's Technical Advisory identifies screening criteria, which, if met, assume that a project would have a less than significant VMT-related impact. Such screening criteria include: small projects, defined as projects generating less than 110 average daily trips (ADT); projects located in a VMT-efficient area or Transit Priority Area; 100 percent affordable housing projects; and locally serving uses. If a project meets any of the screening criteria, a detailed VMT analysis is not required. If a project does not meet the screening criteria, a VMT analysis is required. Refer to Appendix K for additional discussion.

Analysis Metrics

For residential projects, Section E.2 of OPR's Technical Advisory recommends that VMT/capita be analyzed to determine if a project would result in a significant transportation-related impact. The VMT/capita metric includes all vehicle-based person trips grouped and summed to the home location of individuals who are drivers or passengers on each trip. This metric includes both home-based and non-home-based trips. The VMT for each home is then summed for all homes in a particular census tract and divided by the population of that census tract to determine resident VMT/capita.

The CEQA Guidelines specify automobile VMT as the most appropriate CEQA transportation metric, along with the elimination of automobile delay/LOS. However, lead agencies have the discretion to select their preferred significance thresholds with respect to what level of VMT increase would cause a significant environmental impact. Lead agencies have the opportunity to choose the thresholds suggested in OPR's Technical Advisory or develop alternative thresholds. For the purposes of the project, therefore, the analysis can be conducted by comparing either: 1) the project VMT/capita, or 2) the project VMT/employee to both the San Diego regional average or the average for the city or community in which the project is located.

3.12 Transportation

For residential land use developments, a project is considered to have a less than significant transportation-related impact if the project VMT/capita is lower than 85 percent of the regional average or 85 percent of the average for the area in which the project is located. For purposes of analysis, projected VMT/capita was compared to average VMT/capita for the San Diego region. The significance thresholds for the San Diego region are shown in Table 3.12-1.

Table 3.12-1: Significance Thresholds

Land Use	Metric	Average VMT in Miles ^a	Regional VMT per Capita Threshold (Miles) ^b
San Diego Region			
Residential	VMT/Capita	18.9	16.1

Source: Intersecting Metrics 2023² (see Appendix K).

Notes:

a. SANDAG Series 14 Transportation Forecast (Series ID 458)

b. A significant impact occurs if the project VMT/capita exceeds the stated the threshold.

Thresholds of Significance

According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact related to transportation if it would:

1. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
2. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
4. Result in inadequate emergency access.

PROJECT IMPACTS AND MITIGATION

CONFLICT WITH AN APPLICABLE PROGRAM, PLAN, ORDINANCE, OR POLICY

Impact 3.12-1 **The project would not conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Impacts would be less than significant.**

Access to the site would be provided via a proposed drive that would extend through the site ~~and provide access/egress at~~ between Piraeus Street and Plato Place. The project does not propose ingress/egress at Plato Drive; the access drive would be gated at its intersection with Plato Place and would be restricted to use by emergency vehicles only via a controlled entry. No project traffic would leave or enter the site at this point.

Although the VMT methodology is now applied in evaluating potential transportation impacts of a project, the City's General Plan identifies standards for maintaining an adequate LOS for City streets and intersections. To evaluate project consistency with the General Plan Circulation Element, a Local Transportation Assessment was prepared for the project. As previously stated, to be consistent with the CEQA Guidelines, a LOS analysis is not required for purposes of this EIR's impact analysis. However, the LOS analysis will be considered by the City's decision-makers when making General Plan findings for the project.

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.

The project would be subject to payment of the City's transportation fees to ensure continued adequacy of the local and regional transportation systems. No conflict with an applicable program, plan, ordinance, or policy addressing the circulation system would occur with regard to area roadways or intersections affected by the proposed project.

The project has been designed to provide access to alternative means of transportation and to encourage residents and guests to the project site to utilize such modes of travel. As noted above, NCTD bus route #304 operates bus stops located at the northwest and southeast corners of Leucadia Boulevard and Sidonia Street. Bus route #304 provides connection between the Palomar College Transit Center and the Encinitas Transit Station, thereby enabling regional connections along the route.

The homeowners association (HOA) serving the proposed development would provide information pertaining to available alternative modes of transportation in the area as part of the "new resident" or "new tenant" package. The HOA would also provide residents with transit schedules for the area and would alert residents when new transit services are added or when services are changed. The closest major transit station to the project site is the Encinitas Transit Station, located approximately 2 road miles to the south. The transit station also provides access to NCTD's COASTER (commuter heavy rail) and NCTD bus routes #101, #304, and #309. Therefore, project residents would have access to both local and regional transit systems.

Bike lanes are present along both sides of La Costa Avenue, Leucadia Boulevard, and Piraeus Street in the project vicinity. Project implementation would not interfere with the continued use of such bike lanes, with the exception of possible temporary interruption (i.e., relocation) of the northbound bike lane during project improvements at the Piraeus Street entrance. Additionally, the project applicant would work with the City and its bikeshare vendor to expand the electric

3.12 Transportation

bikeshare program to the project site. Such efforts are intended to provide users with on-demand access to electric pedal-assist bikes for short-term rentals and to encourage a shift from the use of vehicles to bicycles.

As described above, in 2015, the City of Encinitas adopted its *Let's Move Encinitas! Pedestrian Travel and Safe Routes to School Plan*, which identifies opportunities to implement traffic improvements near schools and to encourage students to bike or walk to school. In the project area, students in kindergarten through sixth grade would attend Capri Elementary School, located at 941 Capri Road, approximately 0.4 miles southeast of the project site (EUSD 2022). Project components would support implementation of the plan by providing direct access to bicycle lanes along Piraeus Street and La Costa Avenue and new sidewalks along the project's frontage on Piraeus Street and Plato Place, thus supporting bike and pedestrian travel in urban areas of the City and providing safe pedestrian and bicycle travel in the vicinity of Capri Elementary School. The project does not propose improvements or developments that would hinder implementation of the *Let's Move Encinitas! Pedestrian Travel and Safe Routes to School Plan*; would not remove bicycle lanes or sidewalks; and would not result in unsafe conditions in the vicinity of Capri Elementary School.

As such, the project would be in conformance with adopted policies, plans, and programs regarding public transit, bicycle, and pedestrian facilities and would not otherwise decrease the performance or safety of such facilities. The project would not result in a conflict with the City's General Plan supporting alternative transportation modes. Impacts in this regard would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH CEQA GUIDELINES SECTION 15064.3(B)

Impact 3.12-2 **The project would conflict and be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Impacts would be significant and unavoidable.**

The method used to derive and evaluate a project's VMT is determined based on a project's trip generation. Trip generation rates for the proposed project were developed utilizing SANDAG's *(Not So) Brief Guide to Vehicular Trip Generation in the San Diego Region* (SANDAG 2022). Table 3.12-2, Project Trip Generation, identifies the estimated daily trip generation for the project.

Table 3.12-2: Project Trip Generation

Proposed Land Use	Units	Trip Rate	Average Daily Traffic (ADT)
Multi-Family Units (20+ DU/acre)	149 DU	6/DU	894

Source: Intersecting Metrics 2023² (see Appendix K).
DU = dwelling units

The project site is currently undeveloped and does not produce daily vehicle trips. As shown, the project as proposed (149 residential units) would generate an estimated 894 ADT.

As described above, OPR’s Technical Advisory identifies screening criteria, which, if met, assume that the project would have a less than significant VMT-related impact. The project does not meet these criteria (i.e., does not generate less than 110 ADT), and therefore, an analysis of VMT per capita was conducted using the SANDAG Series 14 Regional Growth Forecast (ABM2+) and associated San Diego Region SB-743 VMT Maps, which provide the most current VMT/capita data by Traffic Analysis Zone (Intersecting Metrics 2023²). The results of the ABM2+ VMT output are provided in below Table 3.12-3, VMT Impact Analysis; refer also to Appendix K for additional discussion.

The proposed residential uses are anticipated to generate a VMT/capita of 23.7 miles, which exceeds the 85 percent significance threshold of 16.1 miles by 7.6 miles. Therefore, the project would have a potentially significant VMT related transportation impact.

As shown in Table 3.12-3, the project would require a 32.1 percent (or 7.6 mile) reduction in VMT/capita for VMT-related impacts to be less than significant. The project’s VMT/capita is not anticipated to fall under the significance threshold as the project site is located in a suburban area that includes single-family homes with higher automobile ownership as compared to the region. While the project would implement an electric bikeshare program and provide access to existing off-site bicycle lanes; would include a suite of project design measures to enhance sustainability; would provide for a variety of housing types including very low-income affordable housing; and is consistent with City’s General Plan, Local Coastal Program, Climate Action Plan, and SANDAG’s The Regional Plan, project impacts related to VMT/capita would not be reduced to less than 85 percent of the regional average.

It is noted that this impact is primarily a result of the geographic location of the proposed project in a suburban neighborhood; trip characteristics of the surrounding residential land uses were used as a surrogate to estimate proposed project trip characteristics, regardless of the inherent differences between the land uses (described above). Therefore, VMT may be overestimated for the project, as the model assumes travel patterns reflective of the surrounding single-family neighborhoods.

3.12 Transportation

Table 3.12-3: VMT Impact Analysis

Metric	Regional VMT Per Capita Average (in Miles)	Project Site VMT per Capita (in Miles)	Regional VMT Per Capita Threshold in Miles (85% of Regional Average)	Project % of Regional Average	Difference (in Miles)	Significant Impact? ¹
VMT/Capita	18.9	23.7	16.1	32.1	7.6 miles over	Yes

Source: Intersecting Metrics 2023² (see Appendix K).

¹ Significant impact if project VMT is greater than 85 percent of the regional average.

To reduce the VMT/capita associated with the project to a less than significant level, VMT reducing measures are required. Accordingly, a Transportation Demand Management (TDM) analysis was conducted using the California Air Pollution Control Officers Association’s (CAPCOA) *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (GHG Handbook) to identify the type and magnitude of TDM features the project would need to implement to reduce project VMT to less than significant levels (Intersecting Metrics 2023²). To quantify the potential reduction in project-generated VMT, the VMT-based reduction strategies were applied to relevant project features and identified in the TDM plan. Refer to Table 3.2 of Appendix K for a complete list of the TDM measures outlined in CAPCOA’s GHG Handbook.

Implementation of the TDM plan is aimed at vehicle trip reduction, increased use of alternative travel modes, and better traffic management in the project area. The TDM program calculates both potential reduction and assumed reduction of VMT-related impacts related to the project. Assumed reduction is a more conservative estimate and was therefore the only calculation used for the purposes of CEQA analysis. Proposed TDM measures are summarized in Table 3.12-4, TDM Reduction Calculation, as will be implemented as part of the required conditions of approval for the project.

Table 3.12-4: TDM Reduction Calculation

#	Measure	Potential Reduction (%)	Assumed Reduction (%)	Description	Feasible?	Reduction Taken?
T-1	Increase Residential Density	30	0	This measure accounts for the VMT reduction achieved by a project that is designed with a higher density of dwelling units (du) compared to the average residential density in the U.S. Increased densities affect the distance people travel and provide greater options for the mode of travel they choose. Increasing residential density results in shorter and fewer trips by single-occupancy vehicles and thus a reduction in VMT. This measure is best quantified when applied to larger developments and developments where the density is somewhat similar to the surrounding area based on underlying research being founded in data from the neighborhood level.	Yes - The project would have a net density of 21.7 dwelling units per acre. This is well above the residential density of a typical development cited in the CAPCOA Handbook of 9.1 units per acre. Note: VMT reductions associated with increased density may be already accounted for in ABM2+, in which the project VMT per capita was calculated.	Up to a 30 percent reduction can be assumed for the project; however, since it is unknown how much of this reduction is captured by ABM 2+, no reduction is assumed.
T-4	Integrate Affordable and Below Market Rate Housing	2.86	2.86	This measure requires below market rate (BMR) housing. BMR housing provides greater opportunity for lower-income families to live closer to job centers and achieve a jobs/housing match near transit. It is also an important strategy to address the limited availability of affordable housing that might force residents to live far away from jobs or schools, requiring longer commutes. The quantification method for this measure accounts for VMT reductions achieved for multifamily residential projects that are deed-restricted or otherwise permanently dedicated as affordable housing.	Yes - Of the 149 residential homes proposed in the community, 134 would be market-rate homes and 15 (10 percent) would be very low-income affordable residential homes.	N/A

3.12 Transportation

Table 3.12-4, continued

#	Measure	Potential Reduction (%)	Assumed Reduction (%)	Description	Feasible?	Reduction Taken?
T-18	Provide Pedestrian Network Improvement	0	0	This measure would increase the sidewalk coverage to improve pedestrian access. Providing sidewalks and an enhanced pedestrian network encourages people to walk instead of drive. This mode shift results in a reduction in VMT and GHG emissions.	Yes – The project would construct over 1,100 linear feet of new sidewalk facilities on both Piraeus Street and Plato Place, along the project frontage.	The project would implement over 1,100 linear feet of sidewalk facilities; however, due to the existing lack of sidewalk facilities within the area, no reduction can be assumed.
T-23	Provide Community-Based Travel Planning	2.3	2.3	This measure would target residences in the plan/community with community-based travel planning (CBTP). CBTP is a residential-based approach to outreach that provides households with customized information, incentives, and support to encourage the use of transportation alternatives in place of single-occupancy vehicles, thereby reducing household VMT.	Yes - It is assumed that the HOA for the project would provide information about alternative modes of transportation to residents and tenants as a part of the "New Resident" or "New Tenant" package. The HOA would also provide residents with transit schedules within the area, and alert residents when new transit services are added, or services are charged. The HOA would also act as Travel Advisor, providing new residents and tenants with information regarding how members of households can travel in alternative ways that meet their needs.	N/A
Total^a		33.6	5.1	--	--	

Source: Intersecting Metrics, 2023² (see Appendix K).

Notes:

a. As per the CAPCOA GHG Handbook, the dampening effect should be applied to all measures when adding them together. Therefore, the totals reflect the formula $1 - [(1-T1) \times (1-T4) \times (1-T8) \dots]$.

As shown in Table 3.12-4, if all potential TDM measures were fully realized, the project’s VMT would be reduced by 33.6 percent. However, assuming the full reduction for some of the measures identified may not be appropriate, as implementation is not feasible or cannot be guaranteed. To be conservative, a 5.1 percent reduction was assumed, thereby reducing the project’s VMT per capita to 22.5 miles (Intersecting Metrics 2023²). Appendix K provides a detailed analysis of the calculated VMT reductions achieved for each of the measures identified.

Table 3.12-5: VMT-Related Impact After Mitigation

Regional VMT Per Capita Threshold (in Miles)	Project Site Base VMT Per Capita (in Miles)	Feasible VMT Reduction Through Mitigation	Project Site VMT Per Capita With Mitigation (in Miles)	Significant Impact After Mitigation?
16.1	23.7	5.1%	22.5	Yes

Source: Intersecting Metrics 2023² (see Appendix K).

As described above, the project would require a 32.1 percent reduction in VMT to result in a less than significant impact. However, the assumed reduction of VMT with the proposed TDM measures is expected to be 5.1 percent, since several of the TDM measures may not be appropriate for the proposed project. Therefore, with the achieved reduction of 5.1 percent, VMT per capita for the project with mitigation incorporated would be 22.5 miles, and therefore, would still exceed the established threshold; refer to Table 3.12-5, VMT-Related Impact After Mitigation.

As discussed, implementation of the proposed TDM measures would not reduce project-related VMT impacts below the established threshold. As there are no additional quantifiable VMT reducing measures that the project can feasibly implement, transportation impacts relative to VMT would remain **significant and unavoidable**.

Mitigation Measures: No feasible mitigation is identified.

Level of Significance: Significant and Unavoidable. While the project proposes sidewalks along Piraeus Street and Plato Place; includes project design measures to enhance sustainability; would provide for a variety of housing types including very low-income affordable housing; and is consistent with City’s General Plan, Local Coastal Program, Climate Action Plan, and SANDAG’s The Regional Plan, impacts related to VMT/capita would not be reduced to 85 percent of the regional average, even after incorporation of TDMs as a required condition of project approval. As there are no additional quantifiable VMT-reducing measures that the project can feasibly implement, the project’s VMT-related impacts would remain significant and unavoidable.

3.12 Transportation

DESIGN FEATURES

Impact 3.12-3 **The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impacts would be less than significant.**

As stated under Impact 3.12-1, minor improvements would be required to ensure adequate access to the project site along Piraeus Street and Plato Place. The project design includes a two-way, 26-foot-wide interior drive that would extend through the project site, providing connection between Piraeus Street and Plato Place. The interior driveway would also connect to several 24-foot-wide internal/emergency access drives that would provide vehicular access to residences and recreational amenities (refer to Figure 2.0-3, Conceptual Site Plan). All project roadway and access improvements have been designed in conformance with City engineering design standards 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 off-site.

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**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EMERGENCY ACCESS

Impact 3.12-4 **The project would not result in inadequate emergency access. Impacts would be less than significant.**

As indicated above, primary access to the project site would occur from Piraeus Street ~~and Plato Place~~. The project does not propose ingress/egress at Plato Drive; the access drive would be gated at its intersection with Plato Place and would be restricted to use by emergency vehicles only via a controlled entry. No project traffic would leave or enter the site at this point. ~~Both~~

~~access points would be designated as emergency/fire access way entrances to ensure that emergency access/egress for the development can be adequately accommodated.~~

Interior circulation is proposed via a two-lane, 26-foot-wide interior roadway that would extend through the site and provide connection between Piraeus Street and Plato Place. The main roadway, along with internal/emergency access drives, would provide vehicular access to the residential units and recreational amenities. Emergency vehicle turnarounds are proposed on-site to ensure that adequate movement of emergency vehicles can be accommodated. Additionally, signage would be installed along on-site roadways/drives to prohibit parking, thereby ensuring that emergency access is maintained at all times; refer to Figure 2.0-3, Conceptual Site Plan.

All project roadway and access improvements have been designed in conformance with City engineering and fire department standards for emergency access and circulation. The 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**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.12-5	The project would result in a significant cumulative impact related to transportation. Impacts would be cumulatively considerable.
----------------------	---

Geographic Scope

Cumulative projects that would have the potential to be considered in a cumulative context with the project's incremental contribution, and that are included in the analysis of cumulative impacts relative to transportation, are identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0 of this EIR. Additionally, to be conservative, the cumulative analysis includes all 2019 Housing Element Update sites to the extent they may contribute to certain issue-specific cumulative effects; refer to Table 3.0-2.

Potential Cumulative Impacts

As indicated above, the project would not contribute to a significant impact resulting from conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, or pedestrian facilities. Consistency with local and regional bicycle and pedestrian plans, community plans, and other similar plans and policies would be evaluated at a project-specific level to identify conformance requirements with planned systems (e.g., provision of new bike lanes, construction of connecting sidewalks or trails). All cumulative projects would also be required to pay the City's transportation fees to ensure that transportation facilities continue to be adequately provided and maintained. As the proposed project was determined to have a less than significant impact in this regard, it is not anticipated that it would contribute to a significant cumulative impact due to a conflict when considered with other cumulative projects.

When using an absolute VMT metric (i.e., total VMT, as recommended for retail and transportation projects), analyzing the combined impacts for a cumulative impact analysis may be appropriate. However, metrics such as VMT/capita or VMT/employee (i.e., metrics framed in terms of efficiency, as recommended below for use on residential and office projects), cannot be summed because they employ a denominator.

A project that falls below an efficiency-based threshold that is aligned with long-term environmental goals and relevant plans would have no cumulative impact distinct from the project impact. Accordingly, a finding of a less than significant project impact would imply a less than significant cumulative impact and vice versa (OPR 2018). As previously indicated, the proposed residential uses are anticipated to generate a VMT/capita of 23.7 miles, which exceeds the 85 percent significance threshold of 16.1 miles, and therefore, a significant impact would occur. Although TDMs to reduce the project's VMT would be implemented as part of the project conditions of approval, project VMT would remain above established thresholds, resulting in a significant and unavoidable impact. Therefore, the project would result in a significant and unavoidable transportation impact relative to VMT.

The project is consistent with the City's General Plan, Local Coastal Program, Zoning Ordinance, and Housing Element Update and would not conflict with the RTP/SCS; refer also to EIR Section 3.5, Energy Conservation and Climate Change, for additional discussion. Further, specific TDM strategies are required of the proposed project to reduce VMT impacts to the extent feasible.

According to the OPR Technical Advisory (OPR 2018), increased demand on transit systems throughout a region may cause a cumulative impact by requiring new or additional transit infrastructure. Such impacts may be adequately addressed through a fee program that allocates

the cost of improvements not just to projects located near transit, but on a regional level for all projects that may impose a potential burden on the transportation system.

The project would result in the construction of 149 residential townhomes. According to the City's General Plan Housing Element Update, the subject site could be developed with up to 206 base residential units (without application of a Density Bonus). Therefore, the project would be consistent with future development as identified in the Housing Element Update and it is not anticipated that the project would create a significant new demand on existing transportation facilities, either locally or on a regional level, due to the limited project scale. Similar to other cumulative projects considered, the project would be subject to payment of the City's transportation impact fees to ensure that area transportation facilities are adequately maintained over the long term.

All cumulative projects would be evaluated at a project-specific level to identify whether a project has the potential to result in hazardous conditions relative to transportation and circulation. All such projects would be required to demonstrate conformance with the City's roadway and intersection design standards and would be subject to discretionary review to ensure that the potential to contribute to a substantial increase in hazards would not occur. As appropriate, measures would be incorporated to reduce a project's potential to contribute to any such hazardous conditions. The project as proposed would be consistent with City design requirements and would not introduce incompatible land uses that would increase the risk of hazardous conditions.

All cumulative projects would also be subject to discretionary review to ensure that adequate emergency access is provided during project construction and operation. Such projects would be required to be designed to City roadway and access standards and to consider the potential for development to contribute to adverse effects on the local and/or regional circulation system, including on maintaining emergency access at all times. Measures (e.g., traffic control plan, design elements) would be implemented as appropriate to ensure that a project does not contribute to a significant impact relative to inadequate emergency access. The project would not have an adverse effect on the ability to provide adequate emergency access, and all such emergency access and on-site circulation has been designed to City standards. The project is therefore not considered to contribute to a significant cumulative impact in this regard.

However, based on the reasons discussed above, and that project-specific impacts relative to VMT would be significant and unavoidable, ~~the even with incorporation of sustainability related design features aimed at reducing project impacts to the maximum extent feasible, the project's contribution to a significant cumulative VMT impacts relative to VMT is considered to be cumulatively~~ is **considerable.**

3.12 Transportation

Mitigation Measures: No feasible mitigation is identified.

Level of Significance: Significant and unavoidable.

Section 3.13

Tribal Cultural Resources

This section addresses the project’s potential impacts relative to tribal cultural resources. Cultural resources include places, objects, and settlements that reflect group or individual religious, archaeological, architectural, or paleontological activities. By statute, “tribal cultural resources,” are generally described as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe and are further defined in Public Resources Code (PRC) Section 21074(a)(1)(A)–(B). Tribal cultural resources are generally described as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe and are further defined in PRC Section 21074(a)(1)(A)–(B).

The analysis in this section is based on the *Cultural Resources Inventory and Evaluation Report* (2022a; see Appendix E) prepared by ECORP Consulting, Inc. (ECORP) and peer reviewed by Michael Baker International, the City of Encinitas, and consultation with the San Pasqual Band of Mission Indians, Rincon Band of Luiseño Indians, Barona Band of Mission Indians, Jamul Indian Village, and San Luis Rey Band of Mission Indians. Due to the sensitive and confidential nature of cultural resources, portions of the report have been redacted. The analysis herein is further based on the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018).

ENVIRONMENTAL SETTING

The project site is located in the City of Encinitas, north of Plato Place and east of Piraeus Street. The site lies approximately 0.9 miles east of the Pacific Ocean and approximately 0.2 miles south of Batiquitos Lagoon. On-site elevations range from approximately 15 to 175 feet above mean sea level (ECORP 2022b).

The project site is located to the east of a drainage that flows north towards Batiquitos Lagoon. The underlying geology of the project area has been mapped as the Santiago Formation, dated back to the Middle Eocene (38-48 million years ago). Native geology of the area is categorized into three divisions: arkosic sandstone and conglomerate; gray and brownish gray arkosic sandstone; and gray arkosic sandstone and grit. Six soil types are located within the project site: Cieneba coarse sandy loam, 5 to 15 percent slopes, eroded; Corralitos loamy sand, 9 to 15 percent slopes; Gaviota fine sandy loam, 9 to 30 percent slopes; Gaviota fine sandy loam, 30 to 50 percent slopes; Marina loamy coarse sand, 9 to 30 percent slopes; and rough broken land (ECORP 2022a).

3.13 Tribal Cultural Resources

The potential for buried pre-contact archaeological sites in the project area does exist because of the site's proximity to the Pacific Ocean and Batiquitos Lagoon. Additionally, the region is recognized to have been in regular use by Native Americans for thousands of years. The drainage located to the west of the site also contributes to this potential as pre-contact archaeological sites have been identified along perennial and intermittent waterways in the region (ECORP 2022a).

Cultural Resources Inventory Results

Records Search

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

A records search was conducted in February 2022 for the APE and a surrounding one-mile radius at the South Coastal Information Center (SCIC), part of the California Historical Resources Information System (CHRIS) maintained by the Office of Historic Preservation, at San Diego State University. The CHRIS records search determined that 35 previously recorded cultural resources are located within one mile of the project area. Resources were comprised of a mix of habitation/camp sites, shell middens, shell and lithic scatter, lithic and bone tools, a former flower nurse, a log house, a trash pit and building remains, and commercial buildings. A portion of one previously recorded resource (CA-SDI-12130), containing shell middens, lithic scatters, hearth features, and stone tools, is located within the APE (ECORP 2022a).

The National Register Information System did not list any eligible or listed properties within the project area. The nearest National Register properties are located eight miles northwest of the project area in Carlsbad. Resources listed as California Historical Landmarks and by the Office of Historic Preservation were reviewed on February 7, 2022. The nearest listed landmark is #940: Rancho Guajome, located 12 miles north of the project area (ECORP 2022a).

Sacred Lands File Results

The California Native American Heritage Commission (NAHC) identifies, catalogs, and protects Native American cultural resources on private and public lands in California. Cultural resources include graves, cemeteries, and places of special religious or social significance to Native Americans. The NAHC also records the historical territories of state recognized tribes into a database called the Sacred Lands File. A records search of the Sacred Lands File is conducted to ensure that the tribes potentially affected by a project are properly notified and consulted.

A search of the Sacred Lands File was completed by the NAHC and resulted in a negative finding, indicating that no Native American Sacred Lands have been recorded in the Study Area (ECORP 2022a).

Site Survey and Subsurface Testing Results

A site survey was conducted in March 2022 and subsurface testing was conducted in April 2022. No tribal cultural resources were identified as a result of the site survey or subsurface testing; however, one previously documented cultural resource (Site CA-SDI-12130) was identified during the subsurface testing (refer also to EIR Section 3.4, Cultural Resources). The proposed off-site preserve area is entirely within resource CA-SDI-12130. The western two-thirds of the project site is within resource CA-SDI-12130 (ECORP 2022a).

Tribal Consultation

In conformance with State Assembly Bill (AB) 52, the City of Encinitas sent notification to the Native American tribes identified as previously requesting such notification of development projects within the City on August 24, 2022. These tribes included San Pasqual Band of Mission Indians, Rincon Band of Luiseño Indians, Barona Band of Mission Indians, Jamul Indian Village, and San Luis Rey Band of Mission Indians. Of the tribes who received such notification, five requested formal government-to-government consultation pursuant to AB 52 to discuss the potential for tribal cultural resources to be located on-site or in the project vicinity. ~~Consultation with the tribes remains ongoing.~~

Additionally, on October 21, 2022, ECORP participated in a field meeting with the Tribal Historic Preservation Officer (THPO) for the Rincon Band of Luiseño Indians and the project proponent. The THPO recommended monitoring by a Luiseño tribe during construction due to the overall sensitivity of the area and agreed to a need to pre-designate a reburial location in the event of an unanticipated discovery. On November 1, 2022, the project proponent participated in a field meeting with a member of the San Luis Rey Band of Mission Indians. The tribal representative indicated that tribal monitoring would be recommended (ECORP 2022a).

REGULATORY FRAMEWORK

State

Assembly Bill 52

California Assembly Bill (AB) 52 (2014) established a formal consultation process for California tribes in the CEQA process. The bill specifies that any project that may affect or cause a substantial adverse change to the significance of a tribal cultural resource would require a lead

3.13 Tribal Cultural Resources

agency to “begin consultation with a California Native American tribe that is traditional and culturally affiliated with the geographic area of the proposed project.” A tribal cultural resource is defined as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe that is:

- Listed or eligible for listing in the California Register of Historical Resources or a local register of historical resources;
- Determined by the lead agency to be significant pursuant to criteria set forth in PRC Section 5024.1;
- A geographically defined cultural landscape that meets one or more of these criteria; or
- A historical resource described in PRC Section 21084.1, a unique archaeological resource described in PRC Section 21083.2, or is a non-unique archaeological resource if it conforms with the above criteria.

AB 52 provides guidance for consultation between California Native American tribes and lead agencies to address potential impacts of development activities on known or unknown tribal cultural resources and to identify appropriate mitigation for such impacts. PRC Section 21074(a) defines tribal cultural resources, indicating that a project having the potential to cause a substantial adverse change to a tribal cultural resource is a project that may have an adverse environmental effect.

Under AB 52, tribes that wish to be notified of projects subject to CEQA are to send a letter to the lead agency making it known they wish to be notified. The City is then obligated to send notifications inviting consultation to the requesting tribe for all subsequent projects subject to CEQA.

California Native American Graves Protection and Repatriation Act

The California Native American Graves Protection and Repatriation Act (25 U.S. Code 3001 et seq.) was enacted in 2001. Pursuant to the act, federal and state institutions and museums that receive federal funding and having possession or responsibility for collections of human remains or cultural artifacts are required to return Native American cultural items to their respective peoples. In addition, the act establishes a program of federal grants to assist in the repatriation process and authorizes the Secretary of the Interior to assess civil penalties on museums that fail to comply.

California Health and Safety Code Sections 7050.5, 7051, and 7054

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

Local

City of Encinitas General Plan

Resource Management Element

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

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

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

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

Policy 7.2: Conduct a survey to identify historic structures and archaeological/cultural sites throughout the community and ensure that every action is taken to ensure their preservation.

City of Encinitas Municipal Code

Section 30.34.050, Cultural/Natural Resources Overlay Zone, of the City's Municipal Code (Chapter 30.34, Special Purpose Overlay Zones) includes regulations that apply to areas within the Special Study Overlay Zone where site-specific analysis indicates the presence of sensitive cultural, historic, and biological resources, including sensitive habitats. For parcels containing

3.13 Tribal Cultural Resources

archaeological or historical sites, the Municipal Code requires a site resource survey and impact analysis to determine the significance of, and possible mitigation for, sensitive resources.

IMPACT ANALYSIS AND MITIGATION MEASURES***Thresholds of Significance***

The following thresholds of significance are based on CEQA Guidelines Appendix G. For the purposes of this EIR, the project would be considered to have a significant impact on tribal cultural resources if it would:

1. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k); or
 - A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

PROJECT IMPACTS AND MITIGATION***TRIBAL CULTURAL RESOURCES***

Impact 3.13-1 The project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. Impacts would be less than significant with mitigation incorporated.

The NAHC was contacted to request a search of the Sacred Lands File in March 2022. The record search did not identify any sacred lands within the project boundary (ECORP 2022a). However, the absence of specific site information does not necessarily indicate the absence of cultural resources in the project area, as unknown cultural resources may be located on-site.

On August 24, 2022, the City sent correspondence to the relevant tribes on the City's official AB 52 notification list via email and US certified mail, identifying the location of the project site and the intentions for future development of the subject property by the project applicant. Responses were received from the San Pasqual Band of Mission Indians, Rincon Band of Luiseño Indians, [Jamul Indian Village](#), and San Luis Rey Band of Mission Indians requesting formal consultation with the City under AB 52.

The Barona Band of Mission Indians (Mr. Art Bunce, Tribal Attorney) responded on September 15, 2022 via email correspondence indicating that he represented the tribe regarding cultural resources issues and AB 52 consultations, at the report of Chairman Raymond Welch and the Tribal Council. Mr. Bunce indicated that he had reviewed the relevant portions of the Phase I Archaeological Resources Survey (prepared for the project by ECORP Consulting; see Appendix E). Mr. Bunce indicated that, consistent with the findings of the report, the potential for significant subsurface artifacts and other materials in undisturbed areas of the project site does exist. As a result, Mr. Bunce stated that the Barona Band would like to request that the mitigation measures as recommended in the technical report be implemented. No further consultation with the City relative to AB 52 was requested by the tribe. To allow for further review and comment, as well as disclosure of relevant results of City consultation with the other tribes, the Barona Band will receive all public notices as to the availability of the CEQA document.

As indicated above, on October 21, 2022, ECORP participated in a field meeting with the THPO for the Rincon Band of Luiseño Indians and the project proponent. The THPO recommended monitoring by a Luiseño tribe during construction due to the overall sensitivity of the area and agreed to a need to pre-designate a reburial location in the event of an unanticipated discovery. On November 1, 2022, the project proponent participated in a field meeting with a member of the San Luis Rey Band of Mission Indians. The tribal representative indicated that tribal monitoring would be recommended (ECORP 2022a).

~~Consultation with the tribes remains ongoing.~~ If no tribal cultural resources are identified during the consultation process, a significant impact to known tribal cultural resources would not occur. However, subsurface construction disturbances (e.g., trenching, excavation, grading) associated with the project would have the potential to impact unknown tribal cultural resources.

As noted above, one previously recorded cultural resource site (CA-SDI-12130) was documented on a portion of the site as a result of the field survey; however, the resource was evaluated based on archaeological information as not eligible for listing under Criterion D/4 for the National Register of Historic Places and the California Register of Historical Resources. Tribal consultation under Assembly Bill 52 with the City of Encinitas, Rincon Band of Luiseño Indians, the San Luis Rey Band of Mission Indians, and San Pasqual Band of Mission Indians resulted in the recommendation for tribal monitoring during construction and pre-designation of a reburial area,

3.13 Tribal Cultural Resources

in the event of an unanticipated discovery during construction, and whether or not the site is potentially significant as a tribal cultural resource will be determined by the City in consultation with the tribes.

ECORP evaluated the portion of precontact cultural resource P-37-012130 that is within the area proposed for development and found it not eligible for inclusion on the NRHP or CRHR under any criteria based on archaeological information. ~~Tribal consultation between the City and culturally affiliated tribes is ongoing.~~ The determination ~~about~~ of project impacts ~~on~~ to tribal cultural resources is being addressed separately by the City. No ground disturbance should occur until the lead agencies concur with this finding.

The project could result in a significant impact to this resource based on pending tribal consultation.

Although no currently known significant cultural, tribal cultural, or historic resources have been identified on-site, in order to ensure proper protection of any unknown resources, should they be encountered during project-related ground disturbance activities, Native American monitoring is required. Monitoring would allow for any discovery of unknown resources to be readily managed in accordance with federal and state law to prevent potential damage (refer to mitigation measures **CR-1** to **CR-3**). With implementation of mitigation measures **CR-1** to **CR-3**, impacts would be **less than significant with mitigation incorporated**.

Mitigation Measures: The mitigation measures for Impact 3.13-1 are the same as mitigation measures **CR-1** to **CR-3**, which were previously described under Impact 3.4-1 of this EIR. Mitigation measures **CR-1** to **CR-3** are repeated in this section for the reader's convenience.

CR-1 Cultural Resources Monitoring Program. Prior to the commencement of any ground disturbing activities, a Cultural Resource Mitigation Monitoring Program shall be established 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 meeting the Secretary of the Interior's Professional Qualifications Standards for ~~prehistoric~~ "pre-historic" (i.e., pre-contact) and historic archaeology. Further, a Native American monitor from ~~a~~ each tribe that is traditionally and culturally affiliated (TCA) with the project area that has requested tribal cultural monitoring during the AB52 Consultation process shall be retained to monitor all ground-disturbing activities associated with project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that may disturb original (pre-project)

ground, including the placement of imported fill materials and related roadway improvements (i.e., for access).

- The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc.
- Prior to the start of construction activities, the project proponent shall submit a letter of engagement or a copy of a monitoring contract to the City to demonstrate that each archaeological and culturally affiliated Native American monitors have been retained for the project.
- The qualified archaeologist and each TCA Native American monitor shall attend all applicable preconstruction meetings with the contractor and/or associated subcontractors.
- Monitors shall be provided at least 72 hours notice of the initiation of construction and be kept reasonably apprised of changes to the construction schedule. In the event that a monitor is not present at the scheduled time, work can continue without the monitor present, as long as the notice was given and documented.
- A reburial location shall be identified as an “environmentally sensitive area” on project plans and communicated to the consulting tribes. If cultural materials discovered during project construction are reburied in this location, the landowner shall record a deed restriction over the reburial area within 30 days of the completion of ground disturbing activities. If the location is not used for reburial of materials, then recording a deed restriction on this location shall not be not required.

During Construction

- The qualified archaeologist shall maintain ongoing collaborative consultation with ~~the~~ each TCA Native American monitor during all ground-disturbing or altering activities, as identified above.
- The qualified archaeologist and/or each TCA Native American monitor shall have the authority to temporarily halt ground-disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, if subsurface deposits believed to be cultural or human in origin are discovered during construction, all work shall halt within a 100-foot radius of the

3.13 Tribal Cultural Resources

discovery and ground-disturbing activities shall be temporarily directed away from these deposits to allow a determination of potential significance, the subject of which shall be determined by the qualified archaeologist and the TCA Native American monitor(s). Ground-disturbing activities shall not resume until the qualified archaeologist, in consultation with ~~the~~ each 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.

- If the professional archaeologist determines with full agreement from the TCA monitor(s) that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required.
- The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed project. If avoidance is not feasible, a Data Recovery Plan may be authorized by the City as the lead agency under CEQA. If a Data Recovery Plan is required, then ~~the~~ each TCA Native American monitor shall be notified and consulted in drafting and finalizing any such recovery plan.
- The qualified archaeologist and/or each TCA Native American monitor may also halt ground-disturbing activities around known archaeological artifact deposits or cultural features if, in their respective opinions, there is the possibility that they could be damaged or destroyed.
- The landowner shall relinquish ownership of all tribal cultural resources collected during the cultural resource mitigation monitoring conducted during all ground-disturbing activities, and from any previous archaeological studies or excavations on the project site, to ~~the~~ each TCA Native American Tribe for respectful and dignified treatment and disposition, including reburial, in accordance with the tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the most likely descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98.

CR-2

Prepare Monitoring Report and/or Evaluation Report. Prior to the release of the Grading Bond, a Monitoring Report and/or Evaluation Report, which describes the

results, analysis and conclusions of the cultural resource mitigation monitoring efforts (such as but not limited to the Research Design and Data Recovery Program), shall be submitted by the qualified archaeologist, along with the TCA Native American monitor's notes and comments, to the City's Development Services Director for approval.

CR-3

Identification of Human Remains. As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the qualified archaeologist and/or the TCA Native American monitor) shall occur until the coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the qualified archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by state law, the coroner shall 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 shall make a determination as to the most likely descendent. If Native American remains are discovered, the remains shall be kept in situ ("in place"), or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of the TCA Native American monitor.

Level of Significance: Less than significant with mitigation incorporated.

CUMULATIVE IMPACTS

Impact 3.13-2 The project could result in cumulative impacts related to tribal cultural resources. Impacts would be less than cumulatively considerable with mitigation incorporated.

Geographic Scope

Relative to CEQA, the importance of a tribal cultural resource is the value of the resource to California Native American tribes culturally affiliated with a certain project area. On a cumulative level, the cumulative loss of the tribal cultural resource must therefore be evaluated. No impact would occur if development would avoid or otherwise preserve known tribal cultural resources within dedicated on-site open space. However, if such resources cannot be avoided or preserved, an impact would occur, and consideration of how the loss of the resource, in combination with other tribal cultural resources, is included in this cumulative analysis.

The geographic scope of the cumulative analysis is the area of any tribe requesting consultation under AB 52. For this project, the cumulative area is the geographic area with which affected tribes are traditionally and culturally affiliated.

Cumulative impacts to tribal cultural resources would occur when impacts resulting with the proposed project, in conjunction with potential cumulative projects listed in Table 3.0-1 and Figure 3.0-1 in Section 3.0 of this EIR and other development projects that would also involve ground disturbance with the traditionally and culturally affiliated area of tribes consulted under AB 52, would result in multiple and/or cumulative impacts to tribal cultural resources.

Additionally, to be conservative, the cumulative analysis is based on the “worst-case” assumption that all 2019 HEU sites develop under maximum density bonus unit allowances. The cumulative impact analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential Cumulative Impacts

Urban development that has occurred over past decades in San Diego County has resulted in adverse impacts on innumerable tribal cultural resources. However, the adoption of state and federal laws related to tribal cultural resources, such as AB 52, have provided a mechanism for consultation between California Native American tribes and lead agencies to address potential impacts of development activities on known and/or unknown tribal cultural resources. Although inadvertent discoveries and potential impacts may still result on a project by project basis based on location, development type, and availability of data, compliance with regulatory procedures generally mitigate potential impacts to tribal cultural resources.

Federal, state, and local laws protect tribal cultural resources in most instances, but this is not always feasible, particularly when in-place preservation may complicate the implementation of a development project. Future development may conflict with these resources through inadvertent destruction or removal resulting from grading, excavation, and/or construction activities.

It is possible that subsurface resources are present on the project site that have not yet been identified. Although unlikely, project-related ground-disturbing activities could uncover previously unknown prehistoric or historic, as resources within project boundaries. Therefore, the project has the potential to incrementally contribute to the disturbance of previously unknown cultural resources.

The project would implement mitigation measures **CR-1 to CR-3**, which address the discovery and recovery of unknown tribal cultural resources (including human remains) through construction monitoring, identification of potential tribal cultural resources, and evaluation of the significance of a discovery. Such mitigation measures would be implemented to reduce potential impacts from project construction on undiscovered resources, if encountered, to less than significant. Similarly, with conformance to applicable federal, state, and local regulations, combined with the implementation of mitigation, it is anticipated that other cumulative development projects would be adequately addressed and impacts on tribal cultural resources would be reduced to the extent feasible.

Therefore, individual project-level impacts associated with tribal cultural resources would be less than significant with incorporation of mitigation measures **CR-1 to CR-3** and the proposed project and cumulative projects would be subject to conformance with applicable federal, state, and local requirements for the protection of such resources. Therefore, the project's contribution to cumulative impacts on tribal cultural resources is considered **less than cumulatively considerable**.

Mitigation Measures: Implement mitigation measures **CR-1 to CR-3**.

Level of Significance: Less than cumulatively considerable.

This page intentionally left blank.

Section 3.14 Utilities and Service Systems

This section addresses potential utilities and service systems impacts that may result from construction and/or operation of the proposed project. The following discussion addresses the availability of water, wastewater treatment, stormwater, electric power, natural gas, telecommunications facilities, and solid waste facilities in the project area, identifies applicable regulations, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from project implementation, as applicable.

The information and analysis in this section is based on the *Preliminary Wastewater Report* (PLSA 2022a; Appendix M), prepared by Pasco Laret Suiter & Associates, Inc. (PLSA). Hydrological information was incorporated from the *Preliminary Hydrology Study* prepared by Pasco Laret Suiter & Associates, Inc. (PLSA 2023b; see Appendix I-1).

Information was also incorporated from the *Project Facility Availability Form (Sewer)*, prepared by the Leucadia Wastewater District (LWD 2022; Appendix N); and *Project Facility Availability Form (Water)*, prepared by the San Dieguito Water District (SDWD 2022; Appendix N). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991). Third party technical reports have been peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

The project site is located in the City of Encinitas and is currently vacant undeveloped land. No existing structures are present on-site. Scattered trash, several dirt roads, and off-road vehicle tracks are present on-site. Land uses in the project vicinity include undeveloped land and single-family residences. Batiquitos Lagoon is located to the north, across La Costa Avenue.

The site is bordered to the west by Piraeus Street and to the south by Plato Place. Interstate 5 (I-5) is located further to the west and La Costa Avenue lies to the north, adjacent to the proposed off-site preserve area. A brow ditch is present in the northwestern portion of the property. Additionally, aboveground power poles providing electrical service to existing off-site development are visible in the project vicinity, including along portions of Piraeus Street; to the east and south serving existing residential uses; and to the north along La Costa Avenue; refer to Figure 2.0-2, Aerial Photograph/Surrounding Land Uses.

Water

The subject site is located within the San Dieguito Water District (SDWD) which would provide public water service to proposed development. The SDWD is a subsidiary of the City and provides

3.14 Utilities and Service Systems

water to the approximately 38,000 residents in its service area. The District joined the San Diego County Water Authority (SDCWA) in 1948 to acquire the right to purchase and distribute imported water throughout its service area. The SDCWA purchases water from the Metropolitan Water District of Southern California (MWD), sourced from both the State Water Project and the Colorado River. The SDCWA also has its own supplies from desalinated seawater and the Colorado River which are secured separately from SDCWA’s allocation from MWD. The District also receives local runoff water from Lake Hodges and imported raw water from the SDCWA. Both sources are treated at the R.E. Badger Filtration Plant, which is jointly owned by the District and the Santa Fe Irrigation District. The District receives recycled water from San Elijo Joint Powers Authority (SEJPA) (SDWD 2020).

The SDWD implements its *Urban Water Management Plan* (SDWD 2020) which projects water demand for the SDWD for all water use sectors with the exception of agriculture. Such water demands have been estimated and are assumed to increase proportionally with population growth over time. Table 3.14-1, SDWD Population - Current and Projected, shows the projected population served by the SDWD through the year 2045.

Table 3.14-1: SDWD Population - Current and Projected

Year	2020	2025	2030	2035	2040	2045	Increase (2020-2045)
Population Served	37,856	39,208	39,653	39,800	40,240	41,246	3,390

Source: SDWD 2020.

Water Supply Planning

The Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single dry, and multiple dry years. Single-dry and multiple-dry year conditions were based on the SDWD’s historical water use records. Table 3.14-2, Total Water Demands in Acre-Feet per Year, shows the SDWD’s estimated water supply projections for the year 2035.

Table 3.14-2: Total Water Demand in Acre-Feet per Year

	2020	2025	2030	2035	2040	2045
Potable and Raw Water	5,463	5,796	6,156	6,243	6,404	6,611
Recycled Water Demand	642	700	700	700	700	700
Total Water Demand	6,105	6,496	6,856	6,943	7,104	7,311

Source: SDWD 2020.

The Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single-dry, and multiple-dry years. Single-dry and multiple-dry year conditions were based on the SDWD’s historical water use records. Table 3.14-3, Normal Year, Single-Dry Year, and Multiple-Dry Years Supply and Demand Comparison in Acre-Feet per Year, shows estimated SDWD water supply projections from the year 2020 to 2045.

Table 3.14-3: Normal Year, Single-Dry Year, and Multiple-Dry Years Supply and Demand Comparison in Acre-Feet per Year

		2025	2030	2035	2040	2045
Normal Year	Supply totals	6,496	6,856	6,943	7,103	7,311
	Demand totals	6,496	6,856	6,943	7,103	7,311
	<i>Difference</i>	--	--	--	--	--
Single-Dry Year	Supply totals	6,938	7,332	7,415	7,586	7,808
	Demand totals	6,938	7,332	7,415	7,586	7,808
	<i>Difference</i>	--	--	--	--	--
Multiple-Dry Year (1 st Year)	Supply totals	6,938	7,322	7,415	7,586	7,808
	Demand totals	6,938	7,322	7,415	7,586	7,808
	<i>Difference</i>	--	--	--	--	--
Multiple-Dry Year (2 nd Year)	Supply totals	6,995	7,382	7,476	7,648	7,872
	Demand totals	6,995	7,382	7,476	7,648	7,872
	<i>Difference</i>	--	--	--	--	--
Multiple-Dry Year (3 rd Year)	Supply totals	7,019	7,408	7,502	7,675	7,900
	Demand totals	7,019	7,408	7,502	7,675	7,900
	<i>Difference</i>	--	--	--	--	--
Multiple-Dry Year (4 th Year)	Supply totals	7,045	7,436	7,530	7,704	7,929
	Demand totals	7,045	7,436	7,530	7,704	7,929
	<i>Difference</i>	--	--	--	--	--

Table 3.14-3, continued

		2025	2030	2035	2040	2045
Multiple-Dry Year (5 th Year)	Supply totals	7,055	7,446	7,540	7,714	7,940
	Demand totals	7,055	7,446	7,540	7,714	7,940
	<i>Difference</i>	--	--	--	--	--

Source: SDWD 2020.

According to the UWMP, single-dry and multiple-dry year conditions were based on the SDWD’s historical water use records. The SDWD anticipates no reduction of local water supplies for a single or multiple-dry year event. Even during a dry year, it is assumed there would be some rain and therefore some refilling of water storage. In an event of a dry year, the SDWD would purchase additional water from San Diego County Water Authority (SDCWA) and utilize its carryover storage supply.

The SDCWA’s 2020 UWMP reports that forecasted imported water supply capabilities and stored water would be sufficient to meet expected demands under the single driest year and all five years of the multiple dry year hydrological scenarios. Investments that have been made by the SDCWA and its member agencies, such as providing additional carryover storage, are anticipated to help achieve reliability in dry years and multiple dry years. In the unanticipated event that shortages occur during multiple dry year periods, the SDWD would also implement water conservation measures as necessary.

If shortages still occur, additional regional shortage management measures, consistent with the Water Authority’s Water Shortage and Drought Response Plan, would be taken to fill the supply shortage. As such, the SDWD expects to meet customer demands during a multiple-dry year event (SDWD 2020). As shown in Table 3.14-3, anticipated SDWD water supplies would be adequate during the normal, single-dry, and multiple-dry year scenarios.

Wastewater

Sewer service for the project would be provided by the Leucadia Wastewater District (LWD). The LWD is one of six member agencies of the Encina Wastewater Authority (EWA) (a joint powers authority) operating a regional wastewater treatment and disposal facility in Carlsbad (EWA n.d.). Wastewater conveyed through the district’s sewer mains and pump stations is ultimately pumped to the EWA’s Water Pollution Control Facility located in the City of Carlsbad. Wastewater from the project site would be accommodated by the Saxony Pump Station which currently has a total wet well storage volume of 26,595 gallons. The pump station has an average storage time of 140.5 minutes (2.34 hours) in the existing condition (PLSA 2022a). An existing

sewer line located in Piraeus Street would serve as the point of connection for project sewer service.

Stormwater Facilities

Under current conditions, the majority of the project site drains north via surface/sheet flow before entering an existing storm drain conveyance system at the northwest corner of the property. Once in the storm drain system, runoff from the northeastern and central portions of the project site flows to the west, crossing I-5 into an earthen ditch. The remainder of the site flows south via surface/sheet flow and enters the existing storm drain system at the southwest corner of the property. The existing system carries runoff across I-5 and discharges into an existing concrete lined ditch where it combines with runoff from the northeastern and central portions of the site. From this point, drainage from both basins continues north until it reaches Batiquitos Lagoon, and eventually, the Pacific Ocean.

Electricity

San Diego Gas and Electric (SDGE) currently provides electrical services to the project site. As stated above, utility poles providing electrical service in the project vicinity are visible along portions of area roadways, including Piraeus Street and to the north along La Costa Avenue, as well as in the vicinity of existing residential uses to the east and south.

Natural Gas

SDGE currently provides natural gas services to the project vicinity. However, the use of natural gas is not proposed with the project, in conformance with City regulations for residential uses. No service connections to existing SDGE infrastructure would therefore occur with project implementation.

Telecommunications Facilities

Telecommunications facilities are not currently provided on the project site. The major service providers that serve the City and their coverages are listed below (Broadband Now 2022):

- AT&T Internet - 99.5% Availability
- T-Mobile – 55.6% Availability
- Cox – 72.5% Availability
- Spectrum – 63.5% Availability

Solid Waste Disposal

The City has an exclusive franchise agreement with EDCO Waste and Recycling Services (EDCO) to provide solid waste collection services in Encinitas for both residential and commercial customers. EDCO is the only authorized company that can haul solid waste in the City. Residential trash service includes curbside green waste collection and recyclable materials (mixed paper, glass, plastic, and aluminum cans) collection at no additional charge.

EDCO transports the collected solid waste to a transfer center which then takes it to either the Sycamore Landfill in Santee or the Otay Landfill in Chula Vista. The Otay Landfill has a maximum permitted capacity of 61.15 million cubic yards and a remaining capacity of 21.19 million cubic yards. The Otay Landfill has a cease operation date of February 28, 2030 (CalRecycle 2019a). The Sycamore Landfill has a maximum permitted capacity of 147.9 million cubic yards and has a remaining capacity of 113.97 million cubic yards. The Sycamore Landfill has a cease operation date of December 31, 2042 (CalRecycle 2019b).

REGULATORY FRAMEWORK***Federal*****Safe Drinking Water Act**

Passed in 1974 and amended in 1986 and 1996, the Safe Drinking Water Act grants the Environmental Protection Agency (EPA) the authority to set drinking water standards. Drinking water standards apply to public water systems that provide water for human consumption through at least 15 service connections or regularly serve at least 25 individuals. There are two categories of drinking water standards: National Primary Drinking Water Regulations and National Secondary Drinking Water Regulations. The National Primary Drinking Water Regulations are legally enforceable standards that apply to public water systems. These standards protect drinking water quality by limiting the levels of specific contaminants that can adversely affect public health and are known or anticipated to occur in water. The National Secondary Drinking Water Regulations are nonmandatory guidelines for certain substances that do not present a risk to public health.

State**Safe Water Drinking Act**

Similar to the federal act, California implements the state's Safe Drinking Water Act (Health and Safety Code Section 116270 et seq.) to ensure public health and safety relative to clean drinking water. Under this act, the California Department of Public Health has the authority to protect

public drinking water by adopting contaminant levels not to be exceeded in potable water supplies. Such thresholds are equal to or more stringent than those established at the federal level under the EPA.

State Water Resources Control Board

Created by the California legislature in 1967, the five-member State Water Resources Control Board (SWRCB) allocates water rights, adjudicates water right disputes, develops statewide water protection plans, establishes water quality standards, and guides the nine Regional Water Quality Control Boards (RWQCBs) located in the major watersheds of the state. The joint authority of water allocation and water quality protection enables the SWRCB to provide comprehensive protection for California's waters. The SWRCB is responsible for implementing the Clean Water Act and issues National Pollutant Discharge Elimination System (NPDES) permits to cities and counties through the RWQCBs. The project site lies within the jurisdiction of the San Diego RWQCB (Region 9).

California Urban Water Management Planning Act

In 1983, the State Legislature enacted the Urban Water Management Planning Act (California Water Code Sections 10610–10656), which requires specified urban water suppliers in the state to prepare an Urban Water Management Plan and update it every 5 years. State and local agencies and the public frequently use such plans to determine if agencies are planning adequately to reliably meet water demand in various service areas. As such, the plans serve as an important element in documenting water supply availability and reliability for compliance with state laws, including Senate Bill (SB) 610 and SB 221, which link water supply sufficiency to large land-use development project approvals. Urban water suppliers also must prepare such plans, pursuant to the Urban Water Management Planning Act, to be eligible for state funding and drought assistance.

Every urban water supplier that either provides over 3,000 acre-feet of water annually or serves more than 3,000 urban connections is required to assess the reliability of its water sources over a 20-year planning horizon. Each supplier must report its progress on a 20 percent reduction in per capita urban water consumption by the year 2020, as required in the Water Conservation Act of 2009 (SB X7-7).

The state's urban water suppliers prepare Urban Water Management Plans (UWMPs) to support their long-term resource planning and ensure adequate water supplies are available to meet existing and future water demands. The UWMPs include information on water usage, water supply sources, and water reliability planning. They also may provide implementation schedules to meet projected demands over a planning horizon, a description of opportunities for new

3.14 Utilities and Service Systems

development of desalinated water, groundwater information (where groundwater is identified as an existing or planned water source), a description of water quality over the planning horizon, and identification of water management tools that maximize local resources and minimize imported water supplies. A UWMP's water supply analysis includes a water supply reliability assessment, water shortage contingency plan, and development of a plan in case of an interruption in water supply.

The plans must be prepared every 5 years and submitted to the California Department of Water Resources (DWR). DWR staff then reviews the submitted plans to make sure they have completed the requirements identified in the Water Code, then submits a report to the State Legislature summarizing the status of the plans.

Senate Bill 221

Enacted in 2001, SB 221 (Government Code Sections 66455.3 and 66473.7) requires that the legislative body of a city or county which is empowered to approve, disapprove, or conditionally approve a subdivision map must condition such approval upon proof of sufficient water supply. The term *sufficient water supply* is defined in SB 221 as the total water supplies available during normal, single dry, and multiple dry water years within a 20-year projection that would meet the projected demand associated with a proposed subdivision. The definition also includes the requirement that sufficient water encompass not only the project but also existing and planned future uses, including, but not limited to, agricultural and industrial uses.

California Water Recycling Standards

The State Legislature has developed requirements for the production, discharge, distribution, and use of recycled water. These requirements are contained in the California Code of Regulations, Title 22, Division 4, Chapter 3, Reclamation Criteria, Sections 60301 through 60475, and Title 17. The California Department of Public Health administers the state recycling water standards.

California Integrated Waste Management Act

Assembly Bill (AB) 939 established the California Integrated Waste Management Act of 1989 (Public Resources Code Sections 42900–42927) which required all California cities and counties to reduce the volume of solid waste deposited in landfills by 50 percent by the year 2000. It also requires that cities and counties continue to remain at 50 percent or higher for each subsequent year. The act is intended to reduce, recycle, and reuse solid waste generated to the maximum extent feasible.

The act requires each California city and county to prepare, adopt, and submit to the California Department of Resources Recycling and Recovery (CalRecycle) a source reduction and recycling element (SRRE) that demonstrates how the jurisdiction will meet the act's mandated diversion goals. Each jurisdiction's SRRE must include specific components as defined in Public Resources Code Sections 41003 and 41303. In addition, the SRRE must include a program for management of solid waste generated in the jurisdiction consistent with the following hierarchy: (1) source reduction; (2) recycling and composting; and (3) environmentally safe transformation and land disposal. The SRRE is required to emphasize and maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste to be disposed of by transformation and land disposal (Public Resources Code Sections 40051, 41002, and 41302).

California Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24)

Commonly referred to as the CALGreen Code, Title 24, Part 11 standards require new residential and commercial buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality. Title 24 also provides voluntary tiers and measures that local governments may adopt which encourage or require additional measures in the five green building topics.

The 2019 Title 24 standards became effective January 1, 2020. The standards require that all low-rise residential buildings shall have a photovoltaic system meeting the minimum qualification requirements such that annual electrical output is equal to or greater than the dwelling's annual electrical usage. Notably, net energy metering rules limit residential rooftop solar generation to produce no more electricity than the home is expected to consume on an annual basis.

The CALGreen standards also include voluntary efficiency measures that are provided at two separate tiers and implemented at the discretion of local agencies and applicants. CALGreen's Tier 1 standards call for a 15 percent improvement in energy requirements, stricter water conservation, 10 percent recycled content in building materials, 20 percent permeable paving, 20 percent cement reduction, and cool/solar-reflective roofs. CALGreen's more rigorous Tier 2 standards call for a 30 percent improvement in energy requirements, stricter water conservation, 75 percent diversion of construction and demolition waste, 15 percent recycled content in building materials, 30 percent permeable paving, 25 percent cement reduction, and cool/solar-reflective roofs.

Senate Bill (SB) 1383

SB 1382 required the state board, no later than January 1, 2018, to approve and begin implementing that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030, as specified. The bill also established specified targets for reducing organic waste (i.e., food waste) in landfills, and identifies the goal that not less than 20 percent of edible food currently disposed of is recovered for human consumption by 2025.

The City's Climate Action Plan (see additional discussion below) addresses the requirements of SB 1383 through the goal of diverting solid waste to reduce waste disposal from community residents and businesses. As part of achieving its Goal 6.1, Divert Solid Waste, the CAP identifies such measures as implementing a Zero Waste Program to support regional efforts to plan for and develop residential and commercial food scrap composting programs; facilitating the establishment of fully-permitted community appropriate compost facilities within the City; continuing Zero Waste programs at local schools; establishing an edible food recovery program; and providing outreach and education to generators. Additional measures include developing education outreach materials for textile recycling; expanding recycling requirements at City permitted events and activities; supporting product stewardship and extended producer responsibility initiatives; expanding outreach and education on the City's Construction and Debris Ordinance.

Local**City of Encinitas Climate Action Plan**

The City's Climate Action Plan (CAP) was adopted in January 2018 and was most recently updated and adopted on November 18, 2020. The CAP serves as a guiding document and outlines a course of action for community and municipal operations to reduce GHG emissions and the potential impacts of climate change within the jurisdiction. The CAP benchmarks GHG emissions in 2012 and identifies what reductions are required to meet GHG reduction targets based on state goals embodied in AB 32. The 2020 CAP Update incorporates the HEU residential units into the business-as-usual projection and legislatively adjusted projection and presents associated updates and revisions to the CAP measures. The CAP aims to achieve local community wide GHG reduction targets of 13 percent below 2012 levels by 2020 and 44 percent below 2012 levels by 2030.

To achieve these objectives, the CAP identifies a summary of baseline GHG emissions and the potential growth of these emissions over time; the expected climate change effects on the City;

GHG emissions reduction targets and goals to reduce the community's contribution to global warming; and identification of strategies, specific actions, and supporting measures to comply with statewide GHG reduction targets and goals, along with strategies to help the community adapt to climate change impacts.

As part of the CAP implementation, each strategy, action, and supporting measure will be continually assessed and monitored. Reporting on the status of implementation of these strategies, periodic updates to the GHG emissions inventory, and other monitoring activities will help ensure that the CAP is making progress. It should be noted that as of this time, the City has not adopted implementing ordinances for the CAP. Therefore, strategies requiring the City to adopt ordinances to implement are not applicable to the project. The following strategies are applicable to the project:

- RE-2: Require New Homes to install Solar Photovoltaic Systems
- CET-4: Require Residential Electric Vehicle Charging Stations

City of Encinitas General Plan and Certified Local Coastal Program

The City of Encinitas General Plan serves as a policy document that provides long-range guidance to City officials responsible for decision-making with regard to the City's future growth and long-term protection of its resources. The City of Encinitas General Plan is intended to ensure decisions made by the City conform to long-range goals established to protect and further the public interest as the City continues to grow and to minimize adverse effects potentially occurring with ultimate buildout. The City of Encinitas General Plan also provides guidance to ensure that future development conforms to the City's established plans, objectives, and/or policies, as appropriate.

The California Coastal Act (Public Resources Code Section 30000 et seq.) is intended to protect the natural and scenic resources of the Coastal Zone. All local governments located wholly or partially within the Coastal Zone are required to prepare an) for those areas of the Coastal Zone within its jurisdiction. The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan also serves as Local Coastal Plan (LCP) Land Use Plan for the City. Goals and policies relevant to the adequate provision of utilities and service systems are listed below.

Land Use Element

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development.

3.14 Utilities and Service Systems

GOAL 4a: **The City of Encinitas will ensure that the rate of residential growth does not create a demand which exceeds the capability of available services and facilities.**

Housing Element Update 2019

In March 2019, the City Council adopted the Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The HEU includes the 2013-2021 Housing Element Update and a series of discretionary actions to update and implement the City's Housing Element. Relevant policies and goals related to utilities and service systems are provided below:

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

Policy 2.2: Continue to assess development fees on new residential units adequate to pay for all related local and regional impacts on public facilities.

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

Integrated Regional Water Management Program for the San Diego Region

The Integrated Regional Water Management (IRWM) program is a local water resources management approach preferred by the Governor, the California Department of Water Resources, and the State Water Resources Control Board. It is aimed at securing long-term water supply reliability in California by first recognizing the interconnectivity of water supplies and the environment, and then pursuing projects yielding multiple benefits for water supplies, water quality, and natural resources.

The San Diego IRWM program is an interdisciplinary effort by water retailers, wastewater agencies, stormwater and flood managers, watershed groups, the business community, tribes, agriculture, and regulatory agencies to coordinate water resource management efforts and to enable the San Diego region to apply for grants tied to DWR's Integrated Regional Water Management program. The Regional Water Management Group, which is the group responsible for administering and implementing the San Diego IRWM program, comprises the San Diego County Water Authority, the City of San Diego, and the County of San Diego. A Regional Advisory Committee serves to shape the IRWM program and upcoming planning and funding applications. Additionally, broad stakeholder outreach engages members of the public and other interested parties in the IRWM planning process.

The Integrated Regional Water Management Plan provides a mechanism for (1) coordinating, refining, and integrating existing planning efforts within a comprehensive, regional context; (2) identifying specific regional and watershed-based priorities for implementation projects; and (3) providing funding support for the plans, programs, projects, and priorities of existing agencies and stakeholders (San Diego Integrated Regional Water Management Group 2019).

San Dieguito Water District Urban Water Management Plan

The SDWD's UWMP (2020) assesses the existing water system conditions and evaluates future anticipated demands. Water agencies throughout the state are required by the California DWR to prepare UWMPs every 5 years in order to show that adequate water supplies are available to meet existing and future water demands. The current UMWP concluded that the overall system is adequately sized to accommodate future buildout under the adopted City of Encinitas General Plan.

San Dieguito Water District Water Systems Master Plan

The SDWD's Water System Master Plan (2022) analyzes the distribution system for reliability, water quality, adequacy of fire flow demands, and storage requirements. The WSMP identifies and prioritizes capital improvement projects in the distribution system. The WSMP identified areas for improvement that were then included in the future planning horizon (year 2040) Capital Improvement Program (CIP). The CIP identifies anticipated pipe condition assessments, pipeline system upsizing and replacement, and improvements for water quality enhancement, among other system management activities.

City of Encinitas Sewer System Management Plan

The City recently updated the Sewer System Management Plan (2019) which was prepared in response to the State Water Resources Control Board's adoption of Order No. 20016-0003-DWQ, relating to the elimination of sanitary sewer overflows. The plan is required to provide response processes for sewer overflow emergencies and to ensure adequate facilities exist to support the City's needs. The plan is required to be updated every 5 years.

City of Encinitas Municipal Code Chapter 23.26 – Water Efficient Landscape Regulations

As required by the Water Conservation in Landscaping Act, the City adopted a landscape water conservation ordinance. Pursuant to the act, this ordinance establishes water use standards for landscaping. Specifically, the requirements of this chapter of the Municipal Code reduce water use associated with irrigation of outdoor landscaping by setting a maximum amount of water to be applied to landscaping and by designing, installing, and maintaining water-efficient landscapes consistent with the water allowance. A project that is subject to this chapter is required to use

3.14 Utilities and Service Systems

recycled water for irrigation. Per state law, an updated Municipal Water Efficient Landscape Ordinance was adopted by the City in 2016.

STANDARDS OF SIGNIFICANCE***Thresholds of Significance***

According to Appendix G of the CEQA Guidelines, the proposed project would have a significant impact related to utilities and service systems if the project would:

- Require or result in the relocation or construction of new or expanded water or wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
- Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.
- Result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

PROJECT IMPACTS AND MITIGATION***UTILITY FACILITIES***

Impact 3.14-1	The project would not require, or result in, the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be less than significant.
----------------------	---

Water

Water service for the project would be provided by the SDWD. Water is sourced from Lake Hodges and the SDCWA. Potable water is treated at the R.E. Badger Filtration Plant located in

Rancho Santa Fe; recycled water is treated and generated at the San Elijo Water Reclamation Facility (City of Encinitas 2016).

Water utilities improvements would include connection to the public water system. The project proposes construction of an 8-inch private water main for fire protection purposes, as well as a 4-inch private water main for domestic water service. Both mains would be constructed as looped systems with the points of connection located off of Plato Place and Piraeus Street. Impacts due to construction of the on-site water system and connections to the existing system are analyzed throughout this EIR.

Estimated average daily water demand for the project is anticipated to be 46.6 gallons per minute (gpm) for domestic service, with maximum daily demand reaching 79.2 gpm. Average fire flow demand is estimated to be 2,500 gpm, with maximum daily water demand and fire flow demand combined reaching 2,579 gpm.

As discussed in the SDWD's (2020) Urban Water Management Plan, the overall system of the SDWD is adequately sized to accommodate buildout under the City's adopted General Plan. The SDWD anticipated an increase of approximately 3,390 residents between 2020 and 2045 (SDWD 2020). As part of the Housing Element Update approval, the project site was designated with an R-30 overlay and allocated between 172 (minimum of 25 dwelling units/acre) and 206 (maximum of 30 dwelling units/acre) residential dwelling units. The project would generate an estimated 374 residents, or approximately 11 percent of SDWD's expected population increase over the long term. As the proposed project is included in the City's HEU, and therefore, is consistent with the General Plan, SDWD is aware of the proposed project and is capable of serving the projected population growth.

In addition, SDWD has completed a *Project Facility Availability Form* which states that the district is expected to be able to serve the project as proposed for the next 5 years (SDWD 2022; see Appendix N). As part of the project approval process, the project applicant would be required to provide on-site water infrastructure and pay appropriate water system capacity fees. Therefore, since SDWD has indicated that it has facilities to serve the project site for the next 5 years, and the proposed project is consistent with the General Plan and accounted for in the General Plan HEU and the associated HEU Environmental Assessment, the project would not require, or result in, the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant**.

3.14 Utilities and Service Systems

Wastewater

Sewer service to the proposed project would be provided by the Leucadia Wastewater District. As stated, the project site is situated within the boundaries of the LWD’s service area.

The existing sewer system in the project vicinity consists of gravity sewer pipelines. The project would construct an 8-inch public sewer main to accommodate wastewater flows generated by the project. The proposed point of connection to the existing public sewer system would occur in Piraeus Street. Table 3.14-4, Sewer Generation Calculations, summarizes the projected average and peak sewer flows for the project.

Table 3.14-4: Sewer Generation Calculations

Land Use	From	To	Units (EDU)	Average Flow Factor (gpd/EDU)	Peak Factor	Peak Sewage Flow (gpd)
<i>Existing Condition</i>						
Residential	MH No. 4	MH No. 3	828	215	3.32	591,026
Residential	MH No.1A	SAXPS	973.5	215	3.32	694,884
<i>Proposed Condition</i>						
Residential	MH No. 4	MH No. 3	977	215	3.50	854,875
Residential	MH No. 1A	SAXPS	1,122.5	215	3.50	844,681.3

Source: PLSA 2022a (see Appendix M).

Notes: SAXPS = Saxony Pump Station; EDU = equivalent dwelling unit; gpd = gallons per day

A *Preliminary Wastewater Report* (PLSA 2022a; Appendix M) was prepared to determine whether the proposed project, in combination with existing and future development, would result in impacts that would require replacement of existing sewer lines. As analyzed therein, under existing plus project conditions, no stretches of existing off-site sewer lines affected by the proposed project would exceed the City’s replacement criteria. Calculations performed demonstrate that the proposed development would not negatively impact the existing sewer infrastructure. Existing sewer mains would meet the maximum depth and minimum velocity requirements (PLSA 2022a); refer to Appendix B of Appendix M. All proposed gravity sewers would be designed to convey the peak sewage flow in accordance with LWD Standards and Specifications.

Further, the Saxony Pump Station, which would accommodate wastewater flows from the project site, has sufficient capacity to pump project sewerage flows. The Saxony Pump Station currently has a total wet well storage volume of 26,595 gallons. The station has an average storage time of 140.5 minutes (2.34 hours) in the existing condition; after project implementation, the average storage time would be 130.5 minutes (2.17 hours). The existing

pump station was found to be sufficient to accommodate existing wastewater flows plus those anticipated to be generated by the proposed project (PLSA 2022a).

The LWD has completed a *Project Facility Availability Form* which states that the district is expected to be able to serve the project as proposed for the next 5 years (LWD 2022; see Appendix N). 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 LWD 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

Refer to Section 3.8, Hydrology and Water Quality. Under the proposed condition, runoff from the majority of the site would flow to the proposed on-site storm drain system and be conveyed to the south to a proposed biofiltration basin located adjacent to Plato Place. Once the runoff is treated and stored on the project site, the runoff would be conveyed to Piraeus Street via curb outlet. The runoff would then travel north and be discharged to an existing corrugated metal pipe to the northwest of the project site, which then drains to the west underneath I-5. ~~it would be discharged into the existing storm drain system near the very southwestern corner of the project site.~~

Runoff generated from the (generally) northernmost and western portions of the proposed project site would primarily sheet flow west towards Piraeus Street where it would be collected in a concrete ditch and discharged into an existing headwall in proximity to the northwest corner of the proposed project site. All runoff would converge within a concrete ditch to the west of I-5 before traveling north and discharging into Batiquitos Lagoon.

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 a proposed biofiltration basin adjacent to Plato Place. The biofiltration basin would be sized for pollution and flow control purposes. Flow rates generated on-site would be controlled via a low-flow orifice consistent with hydromodification program requirements as outlined in the City of Encinitas Best Management Practices (BMP) Manual. In larger storm events, runoff not filtered through the engineered soil would be conveyed via an overflow outlet structure consisting of a

3.14 Utilities and Service Systems

3-foot by 3-foot grate located on top of the outlet structure. Runoff conveyed via the outlet structure would bypass the treatment and flow control BMPs and would be conveyed directly to [Piraeus Street via curb outlet.](#) ~~the proposed storm drain system perpendicular to Piraeus Street.~~

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**.

Electric Power

Refer to Section 3.5, Energy Conservation and Climate Change. San Diego Gas and Electric (SDGE) currently provides electrical service to the project vicinity. Electrical service would be extended within the interior of the site to support the proposed townhomes and amenities. Electrical service connections off-site would be within existing rights-of-way and within future street alignments within the project site, the impacts of which are analyzed in this EIR. Furthermore, the project would install approximately 149 kilowatts (kW) of rooftop solar on-site that would reduce electrical demand (see Section 3.5, Energy Conservation and Climate Change).

Therefore, the project would not result in the expansion or need for new electric power facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant**.

Natural Gas

SDGE currently provides electrical and natural gas services to the project vicinity; the proposed project would similarly be served by SDGE. Per City of Encinitas Ordinance 2021-13, the use of natural gas is prohibited in residential uses, and therefore, the use of natural gas is not proposed. Specifically, Section 100.0, Subpart (e) of the California Energy Code is amended in Section 23.12.080(D) of the City's Municipal Code to require all newly constructed buildings to meet the requirements of an "All -Electric Building" (no natural gas or propane plumbing installed within the building and no gas meter connection).

Therefore, the project would not result in the expansion or need for new natural gas facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant**.

Telecommunication Facilities

The project would include installation of telecommunication facilities for the provision of internet services. Furthermore, project implementation would not interfere with existing

telecommunication facilities or future expansion of facilities. The expected population increase in the area would not create a new substantial demand on existing telecommunication services and facilities. Therefore, the project would not result in the expansion of or need for new telecommunication facilities, and a **less than significant** impact would occur as a result.

Mitigation Measures: No mitigation required.

Level of Significance: Less than significant.

WATER SUPPLY

Impact 3.14-2 The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Impacts would be less than significant.

Water demand generated by the project is estimated to be approximately 46.6 gpm, with an estimated maximum daily demand of approximately 79.2 gpm. The project would implement water conservation measures to reduce potable water use to the extent feasible. The project would meet or exceed the conservation measures mandated by the 2019 California Green Building Standards Code. Additionally, the proposed project would include non-mandatory water conservation measures, such as the installation of insulated hot water pipes, pressure reducing valves, water efficient dishwashers, and dual flush toilets. The project would also use recycled water to irrigate common landscaped areas.

As discussed in the SDWD’s UWMP, the district has anticipated a population increase between years 2020 to 2045 of 3,390 residents (SDWD 2020). As the proposed project is considered to be consistent with the City’s General Plan and is accounted for in the HEU, and is within the population increase anticipated by the SDWD 2020 UWMP, it is anticipated that the District’s existing facilities would be capable of serving the proposed 149 residential townhome units (and amenities).

Additionally, the City’s CAP contains water conservation goals measures that aim to reduce water consumption, and thus GHG emissions. The performance metric for CAP Measure WE-1 sets a goal of 5 gallons saved per capita per day. As stated above, the project would install low flow water fixtures (e.g., toilets, faucets) in all of the units, 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 Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single-dry, and multiple-dry years. Single-dry and multiple-dry year conditions were based on the SDWD’s historical water use records.

3.14 Utilities and Service Systems

The SDWD anticipates no reduction of local water supplies for a single or multiple-dry year event. Even during a dry year, it is assumed there would be some rain, and therefore, some refilling of water storage. In an event of a dry year, the SDWD would purchase more water from the SDCWA and utilize their carryover storage supply. The SDWD would also implement water conservation measures as necessary. If shortages still occur, additional regional shortage management measures, consistent with the Water Authority's Water Shortage and Drought Response Plan, would be taken to fill the supply shortage. As such, the SDWD expects to meet customer demands during a multiple-dry year event (SDWD 2020).

The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

WASTEWATER TREATMENT CAPACITY

Impact 3.14-3 **The project would not result in a determination by the wastewater treatment provider which serves, or may serve, the project that the project has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Impacts would be less than significant.**

Refer to Impact 3.14-1. The project site is located in the service area of the Leucadia Wastewater District. The LWD has completed a *Project Facility Availability Form* which states that the district has adequate capacity to serve the project for the next 5 years under existing and anticipated conditions (LWD 2022). 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**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SOLID WASTE INFRASTRUCTURE CAPACITY

Impact 3.14-4 **The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or**

otherwise impair the attainment of solid waste reduction goals. Impacts would be less than significant.

The project would be served by EDCO Waste and Recycling Services, which operates through an exclusive franchise agreement with the City. Solid waste is collected and taken to a local transfer station and then to the Otay Landfill in Chula Vista or the Sycamore Landfill in Santee. The Otay Landfill is expected to cease operation February 28, 2030 and is permitted to accept 6,700 tons per day (CalRecycle 2019a). The Sycamore Landfill is expected to cease operation in December 31, 2042 and is permitted to accept 5,000 tons per day (CalRecycle 2019b). Therefore, it is anticipated that these landfills can accommodate solid waste generated by project-related demolition, construction, and operational activities in the foreseeable future.

The City has also 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.

During project occupancy, the proposed residential uses are expected to contribute additional solid waste to the Otay and Sycamore landfills. The City's CAP sets a goal of reducing greenhouse gas emissions from landfills by implementing a Zero Waste Program that promotes waste prevention, recycling, and diversion of organic waste. The CAP aims to divert 65% of the City's solid waste from the landfill by 2020 and divert 80% of waste by 2030. This would reduce waste generation rates to three pounds (lbs)/person/day by 2030 (City of Encinitas 2020). The project would be required to conform to all applicable state and local regulations pertaining to the reduction and diversion of waste generated as appropriate to assist the City in compliance with this goal.

According to CalRecycle, in 2021, the amount of annual waste generated by the City of Encinitas was estimated to be 5.6 lbs/person/day based on population (CalRecycle 2019c). Under current conditions, there are no residential (or other) uses on-site that generate solid waste. It can therefore be expected that during operation, the 149 proposed residential uses would generate an estimated 834 pounds, or 0.42 tons, of solid waste per day from the on-site residential uses (149 anticipated residents multiplied by 5.6 pounds). Although the project would increase solid waste generated, the estimated 0.42 tons/day of waste above that generated under existing

3.14 Utilities and Service Systems

conditions would represent less than 0.0004% of the total regional capacity for the Otoy and Sycamore Landfills (total of 11,700 tons per day) (CalRecycle 2019a; 2019b). Therefore, project operations would not have an adverse effect on the operational capacity of the affected landfills over the long-term.

For the reasons stated above, the project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SOLID WASTE REGULATIONS

Impact 3.14-5 **The project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Impacts would be less than significant.**

Refer to Impact 3.14-4, above. The project proposes 149 residential units and other non-residential amenities such as the pool and common open space areas. Solid waste generated would primarily consist of standard organic and inorganic waste normally associated with such uses. The generation of substantial amounts of hazardous waste is not anticipated (refer to Section 3.7, Hazards and Hazardous Materials). As noted above, the site is adequately served by local landfills. The project would comply with all applicable federal, state, and local statutes and regulations related to solid waste handling, transport, and disposal during both construction and long-term operation.

Additionally, per its Climate Action Plan, the City has implemented a Zero Waste Program, which stipulates that by the year 2020, 65 percent of total solid waste generated would be diverted and by the year 2030, 80 percent of total solid waste generated would be diverted. As such, the project would be required to comply with a Source Reduction and Recycling Element (SRRE), which would be submitted to and approved by CalRecycle, for the diversion of solid waste. Compliance with the SRRE would ensure that the project remains in compliance with AB 939 (California Integrated Waste Management Act of 1989; see Regulatory Framework, above).

The project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.14-6 **The project would not result in a significant cumulative impact related to utilities and service systems. Impacts would be less than cumulatively considerable.**

Geographic Scope

Cumulative projects that would have the potential to be considered in a cumulative context with the project’s incremental contribution, and that are included in the analysis of cumulative impacts relative to utilities and services, are identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0, Environmental Analysis, of this EIR. The geographic scope for cumulative impacts to utilities and service systems includes the service areas for the San Dieguito Water District (for water service), Leucadia Wastewater District (for wastewater), San Diego Gas and Electric, and the Otay and Sycamore Landfills. All cumulative projects identified and development of other future land uses in the surrounding area would be subject to the payment of appropriate development impact fees and/or the construction of new or expanded public facilities on a project-by-project basis, and in accordance with applicable local, state, and federal agency requirements, to avoid, reduce, and/or mitigate substantial increases in demand (and significant impacts) on utilities and service systems. Additionally, to be conservative, the cumulative analysis is based on a “worst-case” assumption and therefore also includes the 2019 HEU sites for which an application has not yet been filed with the City, as development of these sites may contribute to certain issue-specific cumulative effects; refer to Tables 3.0-1 and 3.0-2.

Potential Cumulative Impacts

Potential project impacts associated with utilities and service systems would be less than significant, as detailed above. The City’s 2016 At Home in Encinitas/Measure T EIR determined that cumulative impacts associated with implementation of the 2016 Housing Element Update would be less than cumulative considerable. The 2016 HEU provided a range of options ranging from 1,853 residential units up to 3,261 residential units. The 2019 HEU anticipated 1,560 residential units, less than the minimum yield under the 2016 HEU and less than half of the maximum yield.

The project site was identified in the HEU and therefore, in combination with existing and reasonably foreseeable future projects that would utilize the same utilities and service systems as the proposed project, such development is not anticipated to overburden the respective wastewater, water, stormwater, natural gas, telecom, and solid waste providers, resulting in the need for upgraded or new facilities, the construction of which could result in significant environmental effects. Additional discussion is provided below.

Water Supply

As discussed under Impact 3.14-1, as the project is consistent with the City's General Plan and is within the population increase anticipated by the SDWD 2020 UWMP, it is anticipated that the District's existing facilities would be capable of serving the proposed 149 residential units proposed with the project. The SDWD's 2020 UWMP demonstrates that the district is planning to meet future and existing demands, which include the demand increment associated with the growth forecast.

The SDWD will incorporate the proposed project and the cumulative projects identified into their water system hydraulic model to determine potential impacts on the existing water system over time. As with the proposed project, the cumulative projects would also be required to receive a will-serve letter from the SDWD as part of the discretionary review process. The will-serve letter would indicate whether the SDWD is expected to be able to serve the project for the next 5 years. If approved, the cumulative projects would also be included within future UWMP updates so their water use would be considered in the evaluation of service provision for future projects. For these reasons, the project is not anticipated to contribute to a significant cumulative impact related to water supply. Cumulative impacts would be less than significant in this regard.

Wastewater

Wastewater agencies anticipated to serve the project are not at capacity and have anticipated population growth in the City of Encinitas. Similar to the proposed project, cumulative projects would receive a completed a *Project Facility Availability Form* which indicates whether the affected service district is expected to be able to serve a new development as proposed for the next 5 years (see Appendix N).

As noted above, under existing plus project conditions, no stretches of existing off-site sewer lines affected by the proposed project would exceed the City's replacement criteria. The project would not negatively impact the existing sewer infrastructure that would serve the subject site, and existing sewer mains would meet the maximum depth and minimum velocity requirements (PLSA 2022^a); refer to Appendix B of Appendix M. The Saxony Pump Station, which would accommodate wastewater flows from the project site, has sufficient capacity to pump project sewerage flows (PLSA 2022^a). Similarly, future cumulative projects would be required to evaluate the ability of the affected wastewater district to adequately serve proposed development and to identify any required infrastructure improvements.

As part of the discretionary approval process, cumulative projects would be required to provide on-site sewer infrastructure and pay appropriate sewer system connection fees. The City's Public Works Department's existing requirements would ensure that sewer facilities would be sized

appropriately and that wastewater treatment requirements of the RWQCB would not be exceeded. For the reasons stated above, the project is not anticipated to contribute to a significant cumulative impact related to wastewater.

Other Utilities

As noted above, the project would not substantially increase demand for solid waste disposal service. The Otay Landfill and the Sycamore Landfill both have remaining capacity well into the future to accommodate the project and the cumulative projects. All cumulative projects would similarly be required to evaluate potential effects on local landfills and demonstrate that such facilities are available to serve a project on an individual basis, with consideration for landfill capacities at the time when development is proposed. Additionally, both the proposed project and the cumulative projects would be required to conform to applicable regulations for the waste diversion and recycling.

The project is not anticipated to cause a substantial increase in demand for other utilities such as electricity, natural gas, or telecommunications. All projects would be required to evaluate the provision of such services on an individual basis and to demonstrate their availability to serve a proposed development, as appropriate. The project's contribution to a cumulative impact would be less than significant in this regard.

Conclusion

The proposed project, in combination with existing and reasonably foreseeable future projects that utilize the same utilities and service systems as the proposed project, is not anticipated to overburden the respective wastewater, water, stormwater, natural gas, telecom, or solid waste providers, resulting in the need for upgraded or new facilities, the construction of which could result in significant environmental effects. Cumulative projects would be required to receive will-serve letters from the appropriate water and wastewater providers to confirm that those agencies are capable of serving the project and would be required to demonstrate adequate solid waste disposal facilities to serve a development. Electricity, natural gas, and telecommunications services would rely on existing infrastructure and therefore, would not require expansion of services that would result in an environmental impact. Therefore, for the reasons stated above, the project would not contribute to a significant cumulative impact related to utilities and service systems. Cumulative impacts would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

This page left blank intentionally.

This section discusses the environmental setting, existing conditions, regulatory context, and potential impacts of the proposed project relative to wildfire. The information and analysis in this section is based on the *Fire Protection Plan* prepared by FIREWISE 2000, Inc. (FIREWISE 2022; Appendix O). Additionally, information was taken from will serve letter provided by the Encinitas Fire Department (EFD) which will serve the project site (EFD 2022; Appendix N). Third-party technical reports have been peer reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Climate

The project site is situated in an area classified as having a Mediterranean-type climate, subject to mild, wet winters and typically hot, dry summers. Multi-year droughts occur occasionally. Santa Ana winds typically occur in the late autumn months, when the moisture content of non-irrigated vegetation is at its lowest point. These winds originate from desert areas to the north/northeast and are therefore hot and dry. During the summer, winds typically flow on-shore from the south/southwest and are typically weaker winds with greater humidity. Winds originating from other directions, while potentially strong, typically contain more moisture.

On-site Land Uses and Vegetation

Portions of the southernmost parcel have been previously graded and/or cleared and currently support a mixture of grasses and weeds. Portions of this parcel where prior disturbance has not occurred generally support a variety of native plant species, namely coastal sage, buckwheat, prickly pear, tree tobacco, coyote brush, mission manzanita, chamise, annual grasses, and weeds. The off-site preserve area supports dense vegetation and is considered to have a high fuel load (FIREWISE 2022). This parcel also includes areas where the steepest on-site slopes occur, generally sloping uphill into the project site.

Surrounding Land Uses and Vegetation

Land uses in the vicinity of the project site include residences to the east and southeast and vegetated areas to the north, south, and west. Managed fuel treatment zones are visible in the residential neighborhoods east of the project site. Piraeus Street and Interstate 5 are located to the west of the site, both of which represent barriers to wildland fire progression. Plato Place forms the southern property boundary.

3.15 Wildfire

The project site is bordered by undeveloped, vegetated lands to the north and northwest, with existing residential uses to the east. Piraeus Street generally forms the western property boundary, with Interstate 5 farther to the west, and La Costa Avenue trends east–west to the north of the parcel. Such roadways may contribute to hindering the spread of wildfire.

REGULATORY FRAMEWORK***State*****California Department of Forestry and Fire Protection (Cal Fire)**

Cal Fire protects the people of California from fires, responds to emergencies, and protects and enhances forest, range, and watershed values providing social, economic, and environmental benefits to rural and urban citizens. In 2020, Cal Fire, in combination with the US Forest Service, reportedly responded to 8,648 fires, totaling approximately 4,304,379 acres; in 2021, these events included 8,835 fires totaling 2,568,948 acres (Cal Fire 2022).

The Office of the State Fire Marshal supports Cal Fire’s mission by focusing on fire prevention. It provides support through a wide variety of fire safety responsibilities including by regulating buildings in which people live, congregate, or are confined; by controlling substances and products which may, in and of themselves, or by their misuse, cause injuries, death, and destruction by fire; by providing statewide direction for fire prevention in wildland areas; by regulating hazardous liquid pipelines; by reviewing regulations and building standards; and by providing training and education in fire protection methods and responsibilities.

State Fire Regulations

Fire regulations for California are established in Sections 13000 et seq. of the California Health and Services Code and include 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 within California.

2018 Strategic Fire Plan

The 2018 Strategic Fire Plan for California is a cooperative effort between the State Board of Forestry and Fire Protection and Cal Fire. The 2018 Plan reflects a focus on (1) fire prevention and suppression activities to protect lives, property, and ecosystem services; and (2) natural resource management to maintain the state’s forests as a resilient carbon sink to meet California’s climate

change goals and to serve as important habitat for adaptation and mitigation. The Plan aims to achieve a natural environment that is more fire resilient; buildings and infrastructure that are more fire resistant; and a society that is more aware of and responsive to the benefits and threats of wildland fire, achieved through partnerships established at the local, state, federal, and tribal levels.

California Public Resources Code

Fire Hazard Severity Zones - Public Resources Code Sections 4201–4204

Public Resources Code (PRC) Sections 4201–4204 and Government Code Sections 51175–89 direct Cal Fire to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. These zones, referred to as fire hazard severity zones (FHSZ), define the application of various mitigation strategies to reduce risk associated with wildland fires. The off-site preserve area and the majority of the project site are designated as a very high fire hazard severity zone (VHFHSZ) within the Local Responsibility Area (LRA) for the City of Encinitas. The southern portion of the project site is designated as being within a non-VHFHSZ area within the LRA. The site is not identified as being within a state or federal responsibility area (Cal Fire n.d.).

California Fire Code

The 2019 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety for and assistance to firefighters and emergency responders during emergency operations. The provisions of the Fire Code apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure throughout California. The Fire Code includes regulations regarding fire-resistance-rated construction, fire protection systems such as alarm and sprinkler systems, fire services features such as fire apparatus access roads, means of egress, fire safety during construction and demolition, and wildland-urban interface areas.

Title 10, Fire Prevention, of the City of Encinitas Municipal Code establishes minimum requirements for fire prevention. As stated in Section 10.04.010 of the Municipal Code, the City has adopted the 2018 International Fire Code and 2019 California Fire Code as the Fire Code for the City of Encinitas. Such standards are implemented through the City's building permit process.

Senate Bill 1241

In 2012, Senate Bill 1241 added Section 66474.02 to Title 7 Division 2 of the California Government Code, commonly known as the Subdivision Map Act. The statute prohibits subdivision of parcels designated very high fire hazard, or that are in a State Responsibility Area, unless certain findings are made prior to approval of the tentative map. The statute requires that a city or county planning commission make three new findings regarding fire hazard safety before approving a subdivision proposal. The three findings are, in brief: (1) the design and location of the subdivision and its lots are consistent with defensible space regulations found in PRC Section 4290-91, (2) structural fire protection services will be available for the subdivision through a publicly funded entity, and (3) ingress and egress road standards for fire equipment are met per any applicable local ordinance and PRC Section 4290.

Regional**San Diego County Multi-Jurisdictional Hazard Mitigation Plan**

In 2010, San Diego County and 18 local jurisdictions, including the City of Encinitas, adopted the Multi-Jurisdictional Hazard Mitigation Plan (MHMP). The MHMP is a countywide plan that identifies risks and ways to minimize damage by natural and man-made disasters. It is a comprehensive document that serves many purposes, including creating a decision tool for management, promoting compliance with state and federal program requirements, enhancing local policies for hazard mitigation capability, and providing interjurisdictional coordination. The plan was last updated in 2018. Hazard mitigation goals, objectives, and related potential actions for wildfire (and other) hazards specific to the City of Encinitas are included in the MHMP as Section 5.8, City of Encinitas, of the document.

Local**City of Encinitas General Plan**

The City's General Plan includes background information, goals, and policies aimed at minimizing the loss of life, injury, and property damage as a result of natural disasters and man-made hazards, including fires. Relevant goals and policies are listed below.

Public Safety Element

GOAL 1: Public health and safety will be considered in future Land Use Planning.

Policy 1.8: New residential and commercial construction shall provide for smoke detector and fire sprinkler systems to reduce the impact of development on service levels.

- Policy 1.9: Adequate safety service levels shall be maintained and provided for by new development.
- Policy 1.10: The public safety program shall provide for a response plan that strives to reduce life and property losses through technology, education, training, facilities, and equipment.
- Policy 1.11: The public safety system shall provide standards and levels of service guidelines that assure a quality of life and protection of life and property from preventable losses.
- Policy 1.13: In areas identified as susceptible to brush or wildfire hazard, the City shall provide for construction standards to reduce structural susceptibility and increase protection. Brush clearance around structures for fire safety shall not exceed a 30-foot perimeter in areas of native or significant brush, and as provided by Resource Management Policy 10.1.
- GOAL 2: The City of Encinitas will make an effort to minimize potential hazards to public health, safety, and welfare and to prevent the loss of life and damage to health and property resulting from both natural and man-made phenomena.**
- Policy 2.1: The City will cooperate with and support in every way possible current federal, state, and county agencies responsible for the enforcement of health, safety, and environmental laws.
- Policy 2.2: Implement an emergency preparedness program (referenced by the State as a Multi-Hazard Function Plan) to ensure that emergency shelters and emergency evacuation and response routes are provided and clearly identified.
- Policy 2.4: Setbacks, easements, and accesses, necessary to assure that emergency services can function with available equipment, shall be required and maintained.
- Policy 2.5: Emergency equipment response routes and evacuation procedures shall be defined and provided for.

3.15 Wildfire*Resource Management Element*

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

Policy 10.1: The City will minimize development impacts on coastal mixed chaparral and coastal sage scrub environmentally sensitive habitats by preserving within the inland bluff and hillside systems, all native vegetation on natural slopes of 25% grade and over other than manufactured slopes. A deviation from this policy may be permitted only upon a finding that strict application thereof would preclude any reasonable use of the property (one dwelling unit per lot). This policy shall not apply to construction of roads of the City's circulation element, except to the extent that adverse impacts on habitat should be minimized to the degree feasible. Encroachments for any purpose, including fire break brush clearance around structures, shall be limited as specified in Public Safety Policy 1.2. Brush Clearance, when allowed in an area of sensitive habitat or vegetation, shall be conducted by selective hand clearance.

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.

City of Encinitas Municipal Code

Title 10, Fire Prevention, of the City's Municipal Code establishes minimum requirements for fire prevention. As stated in Section 10.04.010 of the Municipal Code, the City has adopted the 2018 International Fire Code and 2019 California Fire Code as the Fire Code for the City of Encinitas to regulate and govern the safeguarding of life and property from fire hazards and related events. Section 10.02.010, Fire Map, of the Municipal Code identifies those land areas within the City considered to be Very High Fire Hazard Severity Zones, and therefore, to be at greater risk for potential wildfire occurrence.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

In accordance with the California Environmental Quality Act (CEQA) Guidelines, the effects of a potential project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary, depending on the nature of the proposed project. According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact related to wildfire 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. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire.
3. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, 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.

PROJECT IMPACTS AND MITIGATION

SUBSTANTIAL IMPAIRMENT OF AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN

Impact 3.15-1 The project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

The project site is located in a developed urban area surrounded by residential uses and open space. According to the Cal Fire Encinitas Fire Hazard Severity Zone Map, all of the off-site preserve area and the northern portion of the project site are identified as being in a VHFHSZ in an LRA, and therefore, the site is considered to have an increased potential for the occurrence of wildfire events (Cal Fire n.d.).

Emergency response and evacuation within Encinitas is the responsibility of the City of Encinitas Fire Department. The Disaster Preparedness Division of the Fire Department develops emergency

3.15 Wildfire

procedures, activities, and disaster operation plans to be implemented in the event of a natural or man-made emergency (City of Encinitas n.d.-a). Additionally, 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.

The project site is located within the response area of the Encinitas Fire Department. The closest fire station is Station #3, located at 801 Orpheus Avenue, approximately 1.5 miles to the south. Estimated response time (get away and travel) from the station to the site is approximately five minutes. Carlsbad Fire Station #4 is located approximately 1.8 miles north of the site at 6885 Batiquitos Drive in Carlsbad with a response time of approximately six minutes. Engines may respond from other stations farther away or from other incidents (FIREWISE 2022). The Encinitas Fire Department has indicated that it can adequately provide fire protection services to the project as proposed (City of Encinitas 2022; see Appendix N).

Emergency access to the project site would be provided from Piraeus Street and Plato Place. Improvements are proposed to provide adequate ingress/egress to/from the site and to ensure that activities associated with the project do not impede the free movement of emergency response vehicles, as well as other vehicles, along local roadways. The project site is not identified as being located along an established route for wildfire evacuation (City of Encinitas n.d.-b), and therefore, would not be anticipated to interfere with emergency response in this regard.

During construction, materials would be placed within the project boundaries adjacent to the current phase of construction to avoid any access conflicts in case of emergency evacuations. 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. Construction activities occurring within the project site would comply with all adopted conditions, including grading permit conditions regarding lay-down and fire access, and would not restrict access for emergency vehicles responding to incidents on-site or in the surrounding area. It is anticipated that all vehicles and construction equipment would be staged on-site, off of adjacent public roadways, and would therefore not block any established emergency access routes.

During project operations, existing off-site roadways would be adequate to serve the development for purposes of emergency evacuation in the event of a wildfire. Further, the project would not interfere with the ability of the San Diego County Sheriff's Department, which serves the project site, to safely evacuate the area in the event of an emergency (see Section 3.7, Hazards and Hazardous Materials; Section 3.11, Public Services and Recreation; and Section 3.12, Transportation). The project has been designed in conformance with City Fire Department access and roadway design requirements related to fire prevention and is subject to approval by the

City's Planning Division to ensure that public safety and adequate vehicular circulation can be maintained over the long term.

Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EXACERBATE WILDFIRE RISKS DUE TO SLOPE, PREVAILING WINDS, AND OTHER FACTORS

Impact 3.15-2 The project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors and therefore would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire. Impacts would be less than significant with mitigation incorporated.

As stated, the proposed off-site preserve area and the northern portion of the project site are designated as a VHFHSZ within the LRA for the City of Encinitas. The southern portion of the project site is designated as being within a non-VHFHSZ area within the LRA. The site is not identified as being within a state or federal responsibility area (Cal Fire n.d.).

On-site elevations range from approximately 100 feet to 170 feet above mean sea level. The project site is located on uneven terrain with slopes ranging between 2 percent and 40 percent. A steep slope is in the vicinity of where the proposed development area abuts the proposed off-site preserve area. A significant portion of the site was previously graded and a large area that is nearly level is present (FIREWISE 2022).

The climate within the project area is characterized as Mediterranean with generally mild, wet (12-14 inches per year) winters, with the bulk of the annual precipitation falling between December and March. Long, hot, and very dry summer seasons frequently occur with occasional multi-year droughts. Off-shore winds from the north/northeast, typically referred to as a Santa Ana wind, have the potential to increase fire risk in the region. Such winds are typically strong (greater than 40 miles per hour), hot, dry winds with very low (less than 15 percent) relative humidity. Such winds originate over the dry desert land and may occur at any time of the year; however, they are more typical during the months of September through November, which is also when non-irrigated vegetation has its lowest moisture content (FIREWISE 2022).

Prevailing summer wind patterns are generally from the south or southwest and normally of a lower velocity (5-15 miles per hour with occasional gusts to 30 miles per hour) and are associated with higher relative humidity readings (greater than 30 percent and frequently more than 60

3.15 Wildfire

percent) due to a moist air on-shore flow from the ocean. All other wind directions (from the northwest, south, and west) may be occasionally strong and gusty. However, such winds are associated with cooler moist air and higher relative humidity (greater than 40 percent). Such winds are considered a serious wildland fire weather condition when wind speeds exceed 20 miles per hour (FIREWISE 2022).

The off-site preserve area (to the north) would remain as undeveloped land. A concrete masonry block retaining wall would be constructed along the northern boundary of the proposed development area, which would further discourage potential intrusion into this open space preserve. No trails into the adjacent open space are proposed and the appropriate signage would be installed to prohibit access, thus limiting the potential for human intrusion and reducing potential sources of fire ignition.

All interior vegetation within the proposed development area would be removed with site grading. Existing vegetation on the off-site preserve area would remain, as no development would occur. Chaparral located to the north of the proposed development area consists of heavy fuels that are taller and denser than the coastal sage, grass, and weeds present to the west and south of the project site. A wildland fire burning in this area under a Santa Ana wind conditions may pose a threat to the planned on-site residential uses. However, it was determined that brush clearing proposed between the northernmost on-site structures and the natural area to the north, combined with implementation of fire protection features as recommended in the Fire Protection Plan, would substantially reduce the potential risk of wildfire occurrence in this area (FIREWISE 2022).

Wildfires occurring in the project vicinity could also result in embers being carried for long distances (one mile or more) by fire drafts or strong winds. Wind and/or topography driven wildfires, burning under a northeastern (Santa Ana) wind pattern, would represent a wildland fire hazard to all proposed on-site structures due to falling embers. Additionally, all wildland plants and grasses would pose a fire hazard annually as the plants lose fuel moisture during hot and dry summer seasons. However, as determined in the Fire Protection Plan, the proposed fuel modification treatments; irrigated landscaping; use of ignition-resistant building materials; and additional required construction features recommended in the Fire Protection Plan would mitigate the potential loss of any structures due to direct fire impingement or radiant heat around the perimeter of the residential uses to a level of less than significant (FIREWISE 2022).

Proposed structures would be required to meet applicable wildland/interface standards to the satisfaction of the Encinitas Fire Department and would be designed and constructed with ignition-resistant building materials. All construction methods and ignition-resistive building materials would meet the current International Wildland-Urban Interface Code and amendments; City of Encinitas Ordinances 2019-27 and 2021-08; and the California Fire and

Building Codes. Additionally, all on-site structures, including garages, would be required to incorporate automatic fire sprinkler systems and all accessory structures such as decks, balconies, patios, covers, gazebos, and fences would be constructed from non-combustible or ignition-resistant materials.

During occupancy and operations, the project may introduce potential ignition sources including vehicles, gas- or electric-powered small hand tools (i.e., for maintenance), and standard substances used for routine household cleaning and landscaping maintenance. Such conditions are not anticipated to substantially exacerbate wildfire risks or increase the risk of exposure of residents to associated pollutant concentrations.

The project would be constructed in compliance with access and design requirements of the City of Encinitas Fire Department (conditions of approval) and recommendations of the Fire Protection Plan, and would be subject to payment of public safety services impact fees (refer to Section 3.11, Public Services and Recreation) to ensure that risks from wildfire are minimized.

As discussed above, the project has the potential to exacerbate wildfire risks or otherwise expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts are therefore considered to be potentially significant. To ensure the potential for fire threat and/or spread is minimized to the extent feasible, mitigation measures **WF-1** and **WF-2** would be implemented to require incorporation of the design and management measures identified in the Fire Protection Plan. Project impacts relative to wildfire would be reduced to **less than significant with mitigation incorporated**.

Mitigation Measures:

WF-1 Fire Protection Plan

Prior to occupancy, the following measures identified in the Fire Protection Plan (Firewise2000, LLC 2022) shall be implemented to reduce potential fire threat and provide heightened fire protection.

1. A fuel modification zone shall be provided to the north of the proposed retaining wall located along the northern boundary of the development area, extending 100 feet from the north side of the wall. This fuel modification zone shall include 50 feet of irrigated Zones 1A and 1B adjacent to each structure followed by 50 feet of non-irrigated thinning Zone 2. The homeowners association shall be required to oversee and perform the described fuel treatments as described in the Fire Protection Plan on an ongoing basis.

3.15 Wildfire

2. Prior to occupancy, the homeowners association shall be approved and in place to ensure ongoing fire safety.
3. All newly constructed structures shall be built to ignition resistant building requirements, including the installation of automatic interior fire sprinkler systems.
4. All vents used in the proposed on-site structures shall be “Brandguard,” “O’Hagin Fire & Ice Line – Flame and Ember Resistant,” or equivalent type vents.
5. All operable windows shall be provided with metal (not vinyl) mesh bug screens over the operable opening to prevent embers from entering the structure during high wind conditions when windows may be inadvertently left open.
6. As mitigation for driveways that exceed 150 feet in length, the following additional building measures shall be required of the structures shown in grey on the Fire Protection Plan Map (Appendix F of the Fire Protection Plan; Firewise2000, LLC 2022):
 - a. Exterior walls facing the driveway shall have two hour rated walls.
 - b. Interior fire sprinkler shall be extended to the attic space including the areas over bathrooms and closets.

WF-2 Construction Fire Protection Plan

1. Prior to the commencement of project construction, the following measures shall be completed:
 - a. During construction, at least 50 feet of clearance around the structures shall be kept free of all flammable vegetation as an interim fuel modification zone, with exception of where habitat protection is required.
 - b. In reference to mitigation measure BIO-8, a Limited Building Zone easement shall be granted to the City of Encinitas.

Level of Significance: Less than significant with mitigation incorporated.

EXACERBATE FIRE RISKS DUE TO REQUIRED INSTALLATION OR MAINTENANCE OF ASSOCIATED INFRASTRUCTURE

Impact 3.15-3 **The project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Impacts would be less than significant.**

Primary access to the site would be provided from a proposed driveway off of Piraeus Street; emergency access would occur from the same access points. No new off-site roadways are proposed to be constructed that would exacerbate fire risk or result in environmental impacts. Existing off-site roadways in the project vicinity (e.g., Piraeus Street, La Costa Avenue, and Plato Place) would remain and would continue to serve as potential breaks that may help to reduce the spread of wildfire during such an event.

Brush management zones would be provided with the project consistent with the measures recommended in the site-specific Fire Protection Plan prepared by FIREWISE and as required by the Encinitas Fire Department; refer to Figures 3.15-1A and -1B, Brush Management Plan. Zone 1A (Irrigated Zone) would be maintained by the homeowners association (HOA) and would include an irrigated landscaped zone typically 50 feet in width from each proposed structure, with combustible building materials prohibited within the zone. Zone 1B (Irrigated Zone) would include an irrigated landscaped zone up to 50 feet in width, located on lands that are publicly owned but maintained by the HOA (including manufactured slopes located more than 50 feet from a structure). Zone 2 (Thinning Zone) would be HOA maintained and begin on the north side of the proposed retaining wall located to the north of the northernmost on-site buildings and extending northward for a distance of 80 feet from the front of each building face. This area may include single or small clusters of trimmed fire-resistant native plants and grasses and trimmed native trees. Roadside fuel treatment zones (HOA maintained) are also proposed on the downhill and uphill sides of roadways and driveways and would be cleared of all combustible vegetation and landscaped to Zone 1A criteria. Such brush management measures, when combined with the required construction features described in the Fire Protection Plan, were determined to adequately mitigate any radiant heat or direct flame impingement under a worst-case weather and fuels scenario. As the proposed brush management zones are intended to reduce the potential for wildfire risk and slow wildfire spread, such improvements would not exacerbate fire risk or result in temporary or ongoing impacts to the environment; refer also to Section 3.3, Biological Resources, for evaluation of potential effects of vegetation removal on-site.

San Diego Gas & Electric currently provides electrical service to the project vicinity. Although the project applicant is requesting elimination of the City's requirement to underground existing overhead utilities pursuant to Encinitas Municipal Code Section 23.36.120 (in order to financially

3.15 Wildfire

enable the project to instead provide for deed-restricted affordable housing on-site), allowing this existing utility infrastructure to remain aboveground would not exacerbate potential wildfire risk. With City approval, such utility poles and electrical lines would simply remain in their current state and location with project implementation.

Public water service for the project would be provided by the San Dieguito Water District. Water and sewer utility improvements would include connection to the existing public infrastructure systems, and the project has been designed to achieve the minimum fire flow requirement of 2,500 gallons per minute at 20 pounds per square inch residual pressure for a 2-hour duration (FIREWISE 2022). No improvements are proposed to provide an emergency water source, other than installation of two new fire hydrants located within the interior of the site along the east side of the main driveway. None of the infrastructure improvements proposed would exacerbate wildfire risk, and all potential temporary or ongoing effects on the environment resulting with such improvements have been evaluated in Sections 3.1 to 3.14 of this EIR.

The project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EXPOSURE TO SIGNIFICANT RISKS

Impact 3.15-4 **The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Impacts would be less than significant.**

Topography is relatively flat within the area proposed for development, with slopes on the western and northern edges. A steep slope is present in the vicinity of where the proposed development area abuts the proposed off-site preserve area.

In conformance with the City of Encinitas's stormwater design standards and the multiple separate storm sewer system permit, all runoff generated on-site (from the development area) would be conveyed to a proposed biofiltration basin adjacent to Plato Place. The biofiltration basin would be sized for pollution and flow control purposes. Flow rates generated on-site would be controlled via a low-flow orifice consistent with hydromodification program requirements as outlined in the City of Encinitas Best Management Practices Design Manual (City of Encinitas 2016). In larger storm events, runoff not filtered through the engineered soil would be conveyed

via an overflow outlet structure consisting of a 3-foot by 3-foot grate located on top of the outlet structure. Runoff conveyed via the outlet structure would bypass the treatment and flow control structure and would be conveyed directly to the proposed storm drain system perpendicular to Piraeus Street.

The project has been designed to retain and treat stormwater runoff on-site and would not result in an increase in the rate or quantity of runoff post-construction as compared to existing drainage conditions; refer to Section 3.8, Hydrology and Water Quality. Therefore, the project would not contribute to the exposure of people or structures to a significant risk of downstream flooding as a result of runoff or drainage changes.

A documented landslide occurred on the project site in 2001 that closed adjacent Piraeus Street. The landslide area extends from Piraeus Street at its toe roughly 140 feet into the property to the east. The City of Encinitas removed portions of the slide and installed two groundwater observation wells and two horizontal drains. The excavated soil was placed within a depression on the southern portion of the property. The western property margin currently contains the landslide remnant with an upper scarp area that has down dropped approximately 5 to 10 feet (Geocon 2022).

The landslide debris is unsuitable to be left in place and complete removal would be required during remedial grading operations. Removal of the slope would result in a buttress fill which would mitigate potential future instabilities in this area of the site (Geocon 2022). Additionally, with conformance during grading and construction to the California Building Code, local building codes, and engineering recommendations identified in the geotechnical report, the project would not expose people or structures to a significant risk from landslides. Refer also to Section 3.6, Geology and Soils.

Based on the above conditions, the project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.15-5 The project would not result in cumulative impacts. Impacts would be less than cumulatively considerable.

Geographic Scope

Projects that would have the potential to be considered in a cumulative context with the project's incremental contribution to a potential cumulative impact relative to wildfire are identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0, Environmental Analysis, of this EIR. The inclusion of all projects in Table 3.0-1 was based on the location of these projects in the general vicinity of the project site and the possibility that these projects, in combination with the proposed project, may have the potential to contribute to increased risk or occurrence of wildfire. Additionally, to be conservative, the cumulative impact analysis includes 2019 Housing Element Update sites to the extent they may contribute to certain issue-specific cumulative effects; refer to Table 3.0-2.

Potential Cumulative Impacts

Substantial Impairment of an Adopted Emergency Response Plan or Emergency Evacuation Plan

Existing and future development in the cumulative study area would be subject to a regional emergency response and/or evacuation in the event of a wildfire or other significant event (e.g., a major earthquake). The County's Office of Emergency Services oversees implementation of the County's Multi-Jurisdictional Hazard Mitigation Plan, which outlines mechanisms to ensure proper protocols are followed in the event of a regional emergency. All existing and future development in the cumulative study area would be subject to the measures in the plan, which are intended to ensure that emergency access routes are maintained and proper evacuation procedures implemented, thereby reducing potential risk for public endangerment or impairment of evacuation in the event of an emergency. Prior to approval, future development projects would be subject to review to ensure that they do not interfere or conflict with implementation of the plan.

In the event of a wildfire, various neighborhoods or communities within the cumulative study area may be evacuated in a similar time frame as the proposed project, depending on the type of wildfire emergency. As such, the proposed project has been evaluated for its potential to contribute to impairment of evacuation of the subject site and/or surrounding lands. It is anticipated that, due to the limited size of the subject property and proximity to local roadways, as well as Interstate 5, that with a wildfire approaching from any direction, there would be adequate time for a full evacuation of the site and surrounding area. Further, the project site is not located along any designated evacuation routes and is therefore not anticipated to interfere

with such operations in the event of an emergency. The proposed project would generate an estimated 371 new residents in the area and, under a worst case scenario with all residents leaving the site at one time, would not contribute a substantial number of vehicles to area roadways during an emergency evacuation.

All cumulative projects within the study area would be required to demonstrate that no adverse effects on emergency response or evacuation would occur with development as proposed. Further, all such development would be required to conform with applicable emergency response plans and requirements for the area to ensure that public safety is maintained over the long term.

The project is therefore not anticipated to contribute to a cumulative impact by impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan. When considered with other cumulative projects in the study area, a less than significant cumulative impact would occur. Impacts would be **less than cumulatively considerable** in this regard.

Exacerbate Wildfire Risks due to Slope, Prevailing Winds, and Other Factors

Wildfire has the ability to rapidly spread from one community to another if uncontained, thereby not only affecting localized areas but having the potential to cause damage on a regional scale. Winds can broaden the reach of wildfire effects by carrying embers that may ignite structures or vegetation located at a distance from the core of a fire, or by dispersing smoke and other hazardous contaminants through the air, thus reducing air quality and resulting in adverse effects on public health.

All future development within the cumulative study area would be evaluated for potential fire risk and occurrence, with particular consideration of whether a site may be located within an area designated as a VHFHSZ. Such evaluation would consider existing wind patterns and on-site topography and slopes, vegetation, and other factors to determine whether specific design measures, consistent with state and local regulations, should be identified and implemented to reduce potential wildfire risk to the extent feasible.

As determined in the Fire Protection Plan, the proposed fuel modification treatments; irrigated landscaping; use of ignition-resistant building materials; and additional required construction features recommended in the Fire Protection Plan would reduce the potential loss of any structures due to direct fire impingement or radiant heat around the perimeter of the proposed residential uses to a level of less than significant (FIREWISE 2022). As discussed above, the project has the potential to exacerbate wildfire risks or otherwise expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; impacts are considered

3.15 Wildfire

to be potentially significant. To ensure the potential for fire threat and/or spread is minimized to the extent feasible, mitigation measures WF-1 and WF-2 would be implemented to require incorporation of the design and management measures identified in the Fire Protection Plan. Project impacts relative to wildfire would be reduced to less than significant with mitigation incorporated.

The project, along with other cumulative projects, would be required to meet applicable wildland/interface standards to the satisfaction of the Encinitas Fire Department and would be designed and constructed with ignition-resistant building materials, as appropriate. All construction methods and ignition-resistive building materials would meet the current International Wildland-Urban Interface Code and amendments; City of Encinitas Ordinances 2019-27 and 2021-08; and the California Fire and Building Codes, as applicable.

With incorporation of mitigation measures WF-1 and WF-2, the potential for the project to contribute to a significant cumulative impact due to slope, prevailing winds, and other factors that would exacerbate wildfire risk or expose project occupants to pollutant concentrations from wildfire or the uncontrolled spread of wildfire would be reduced to less than significant. Impacts would be **less than cumulatively considerable** in this regard.

Exacerbate Fire Risks Due to Required Installation or Maintenance of Associated Infrastructure

Although wildland fires occurring in the area could combine on a cumulative level, all future development would be subject to applicable state and local requirements aimed at minimizing the risk and occurrence of wildfire events through management techniques (e.g., brush clearing), building design and materials, and/or operational restrictions, as appropriate. Additionally, existing development in the San Diego region is subject to local requirements for brush management on individually owned parcels to reduce the potential for ignition and spread of wildfire in such an event. Such measures would help to reduce the potential risk and effects of wildland fire on both a cumulative and regional level.

Development of the project site would convert the subject property from undeveloped (or partially developed) land with readily ignited fuels (e.g., vegetated lands) to ignition-resistant structures and landscape, in combination with fuel modification zones that would serve as preventive buffers for the spread of wildfire onto adjacent lands (or onto the project site). These measures would provide greater fire protection for area residents who do not presently have fire-resistant features on their homes (e.g., tile roofing). Similarly, future development in the study area that converts undeveloped, vegetated lands into developed lands would further contribute to a reduction in the type of fuels that are more prone to the occurrence of wildfire.

The project and other projects within the cumulative study area would be subject to review by the City, including the Encinitas Fire Department, to ensure that adequate utilities and services can be provided relative to reducing the risk or spread of wildfire and for conformance with applicable design and operational regulations. All future development would be required to meet minimum fire flow requirements and pay impact fees to reduce potential demands on fire protection services. Further, as with the proposed project, all cumulative projects would be subject to discretionary review to evaluate potential temporary or ongoing effects on the environment resulting with installation or maintenance of associated infrastructure. Mitigation measures would be identified as appropriate to reduce such impacts to the extent feasible.

For the reasons above, the project is not considered to contribute to a significant cumulative impact due to the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Impacts would be **less than cumulatively considerable**.

Expose People or Structures to Significant Risk

As with the proposed project, all future development projects within the cumulative study area would be subject to discretionary review for conformance with the City of Encinitas's stormwater design standards and the multiple separate storm sewer system permit. Measures would be identified, as appropriate, to ensure that stormwater runoff can be adequately accommodated and that downstream flooding does not occur as a result of runoff or drainage changes.

Individual sites would be evaluated for topographical conditions (e.g., slope stability) and for the potential for landslide occurrence as part of the discretionary process. As with the proposed project, conformance with state and local engineering design standards and regulations, including the California Building Code, would be required to ensure that potential geologic risks are minimized through construction techniques and that the potential for exposure of people or structures to a significant risk from landslides is reduced to the extent feasible.


For the reasons above, the project would not contribute to a significant impact relative to exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes. Impacts would be **less than cumulatively considerable**.


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


Level of Significance: Less than cumulatively considerable.


This page left blank intentionally.


FIRE PROTECTION LEGEND


- 

IRRIGATED ZONE 1A (HOA MAINTAINED)
AN IRRIGATED LANDSCAPE ZONE TYPICALLY 50 FEET IN WIDTH FROM EACH STRUCTURE. ONLY PLANTS FROM THE APPROVED CITY OF ENCINITAS PLANT LIST ARE TO BE INSTALLED AND MAINTAINED. ALL COMBUSTIBLE BUILDING MATERIALS INCLUDING COMBUSTIBLE DECKS, PATIO COVERS AND GAZEBOS ARE PROHIBITED IN THIS ZONE. SEE FIRE PROTECTION PLAN FOR DETAILS.
- 

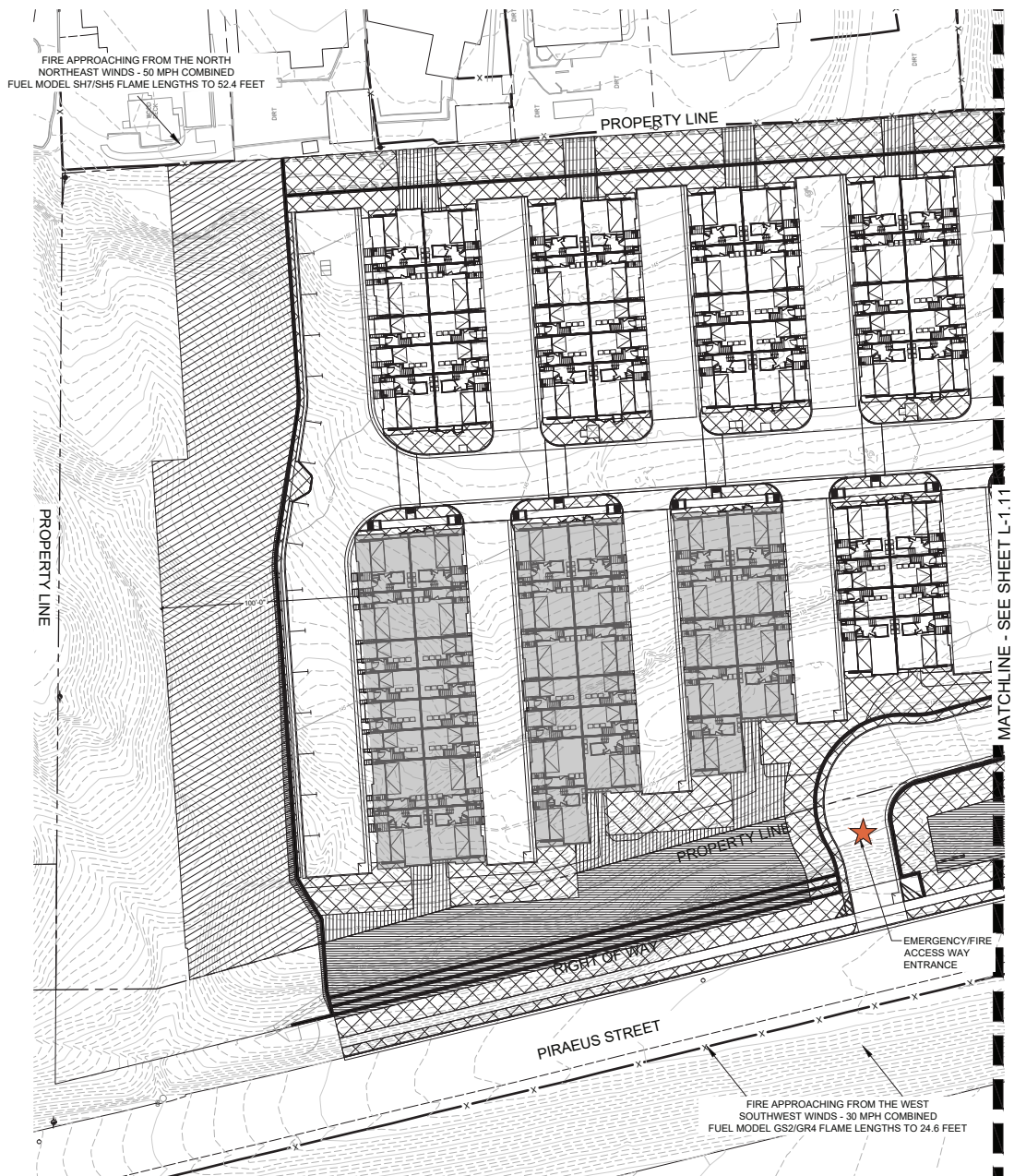
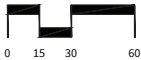
IRRIGATED ZONE 1B (HOA MAINTAINED)
AN IRRIGATED LANDSCAPED ZONE UP TO 50 FEET IN WIDTH THAT IS LOCATED ON THE LANDS THAT ARE PUBLICLY OWNED BUT MAINTAINED BY THE PIRAEUS DEVELOPMENT HOA. IT ALSO INCLUDES MANUFACTURED SLOPES LOCATED MORE THAN 50 FEET FROM A STRUCTURE. SEE ZONE 1A ABOVE FOR FURTHER DETAILS.
- 

THINNING ZONE 2 (HOA MAINTAINED)
AN AREA THAT BEGINS ON THE NORTH SIDE OF THE RETAINING WALL NORTH OF THE NORTHERN BUILDINGS THAT EXTENDS NORTHWARD FOR A DISTANCE OF 100 FEET FROM THE FRONT OF EACH BUILDING FACE. THIS AREA MAY INCLUDE SINGLE OR SMALL CLUSTERS OF TRIMMED FIRE RESISTANCE NATIVE PLANTS UP TO 18 INCHES IN HEIGHT AND TRIMMED NATIVE TREES LIMBED UP TO 6 FEET FROM THE GROUND WHERE 50% OF THE VEGETATION IS REMOVED. SELECTED NATIVE PLANT CLUSTERS MUST BE SEPARATED BY AT LEAST 1 1/2 TIMES MATURE HEIGHT OF THE RETAINED PLANTS. THE GRASSES SHALL BE WEED WHIPPED AND MAINTAINED AT LEAST ANNUALLY TO 4" OR LESS IN STUBBLE HEIGHT ONCE THEY HAVE CURED. SEE FIRE PROTECTION PLAN FOR ADDITIONAL DETAILS.
- 


ROADSIDE FUEL TREATMENT (HOA MAINTAINED)
A MINIMUM OF 20 FEET IN WIDTH ON THE DOWNHILL SIDE AND 20 FEET IN WIDTH ON THE UPHILL OF THE ROADWAY OR DRIVEWAY PRISM THAT IS CLEAR OF ALL COMBUSTIBLE VEGETATION AND LANDSCAPED TO ZONE 1A CRITERIA. THE LAND UPON WHICH THIS ZONE EXISTS MAY BE PRIVATELY OR PUBLICLY OWNED.
- 


THE STRUCTURES IDENTIFIED IN GREY SHALL HAVE 2 HR. RATED EXTERIOR WALLS FACING THE DRIVEWAY THAT SERVES EACH STRUCTURE. ADDITIONALLY, THE FIRE SPRINKLER SYSTEM SHALL BE INSTALLED IN ALL CLOSETS AND BATHROOMS REGARDLESS OF SIZE AND EXTEND INTO THE ATTIC SPACE. SEE SECTION 6.2 OF THE WRITTEN FIRE PROTECTION PLAN.
- 


EMERGENCY/FIRE ACCESS WAY ENTRANCE





FIRE PROTECTION LEGEND

- 

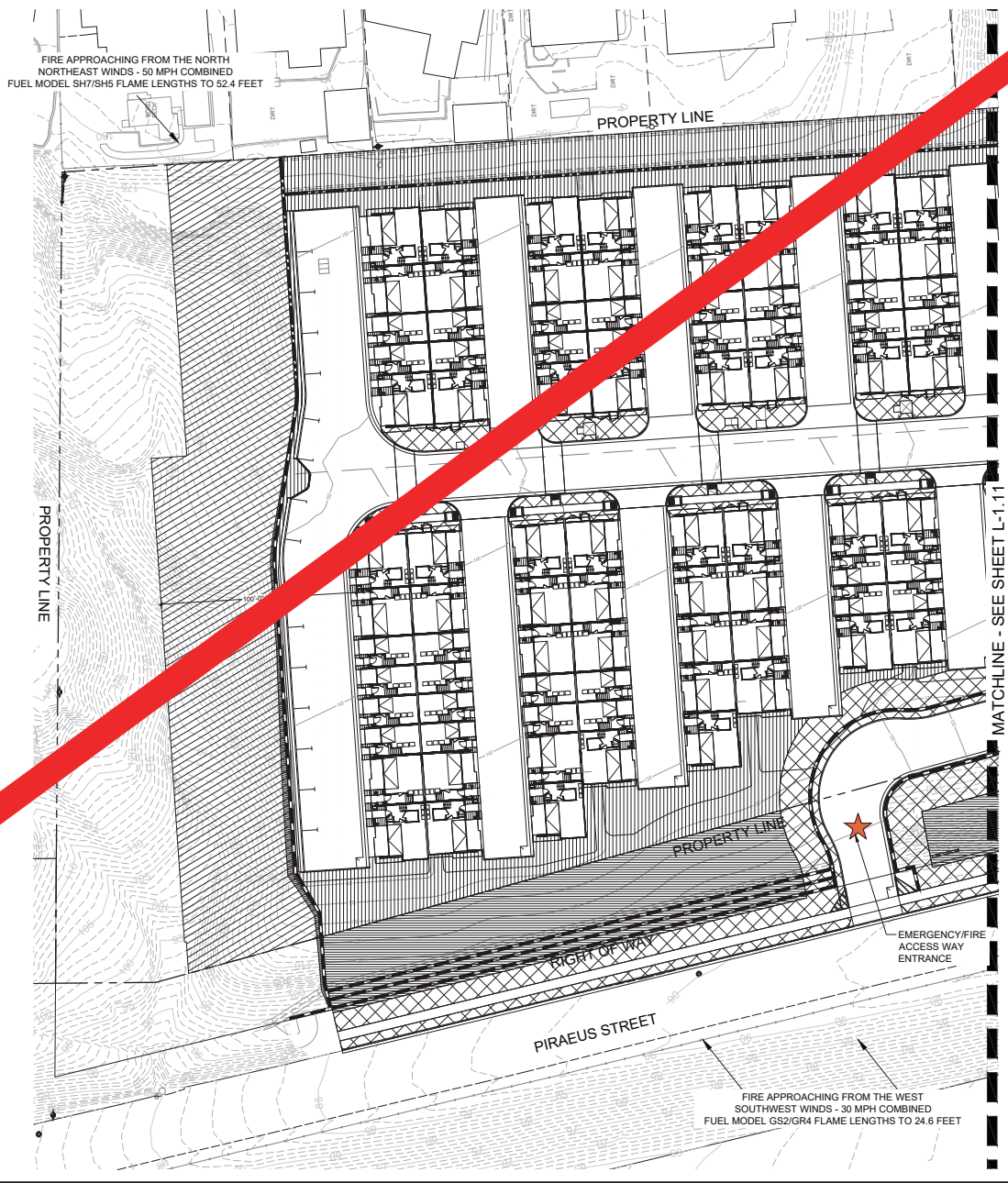
IRRIGATED ZONE 1A (HOA MAINTAINED)
AN IRRIGATED LANDSCAPE ZONE TYPICALLY 50 FEET IN WIDTH FROM EACH STRUCTURE. ONLY PLANTS FROM THE APPROVED CITY OF ENCINITAS PLANT LIST ARE TO BE INSTALLED AND MAINTAINED. ALL COMBUSTIBLE BUILDING MATERIALS INCLUDING COMBUSTIBLE DECKS, PATIO COVERS AND GAZEBOS ARE PROHIBITED IN THIS ZONE. SEE FIRE PROTECTION PLAN FOR DETAILS.
- 

IRRIGATED ZONE 1B (HOA MAINTAINED)
AN IRRIGATED LANDSCAPED ZONE UP TO 50 FEET IN WIDTH THAT IS LOCATED ON THE LANDS THAT ARE PUBLICLY OWNED BUT MAINTAINED BY THE PIRAEUS DEVELOPMENT HOA. IT ALSO INCLUDES MANUFACTURED SLOPES LOCATED MORE THAN 50 FEET FROM A STRUCTURE. SEE ZONE 1A ABOVE FOR FURTHER DETAILS.
- 


THINNING ZONE 2 (HOA MAINTAINED)
AN AREA THAT BEGINS ON THE NORTH SIDE OF THE RETAINING WALL NORTH OF THE NORTHERN BUILDINGS THAT EXTENDS NORTHWARD FOR A DISTANCE OF 100 FEET FROM THE FRONT OF EACH BUILDING FACE. THIS AREA MAY INCLUDE SINGLE OR SMALL CLUSTERS OF TRIMMED FIRE RESISTANCE NATIVE PLANTS UP TO 18 INCHES IN HEIGHT AND TRIMMED NATIVE TREES LIMBED UP TO 6 FEET FROM THE GROUND WHERE 50% OF THE VEGETATION IS REMOVED. SELECTED NATIVE PLANT CLUSTERS MUST BE SEPARATED BY AT LEAST 1 1/2 TIMES MATURE HEIGHT OF THE RETAINED PLANTS. THE GRASSES SHALL BE WEED WHIPPED AND MAINTAINED AT LEAST ANNUALLY TO 4" OR LESS IN STUBBLE HEIGHT ONCE THEY HAVE CURED. SEE FIRE PROTECTION PLAN FOR ADDITIONAL DETAILS.
- 


ROADSIDE FUEL TREATMENT (HOA MAINTAINED)
A MINIMUM OF 20 FEET IN WIDTH ON THE DOWNHILL SIDE AND 20 FEET IN WIDTH ON THE UPHILL OF THE ROADWAY OR DRIVEWAY PRISM THAT IS CLEAR OF ALL COMBUSTIBLE VEGETATION AND LANDSCAPED TO ZONE 1A CRITERIA. THE LAND UPON WHICH THIS ZONE EXISTS MAY BE PRIVATELY OR PUBLICLY OWNED.
- 


EMERGENCY/FIRE ACCESS WAY ENTRANCE





FIRE PROTECTION LEGEND


- 

IRRIGATED ZONE 1A (HOA MAINTAINED)
AN IRRIGATED LANDSCAPE ZONE TYPICALLY 50 FEET IN WIDTH FROM EACH STRUCTURE. ONLY PLANTS FROM THE APPROVED CITY OF ENCINITAS PLANT LIST ARE TO BE INSTALLED AND MAINTAINED. ALL COMBUSTIBLE BUILDING MATERIALS INCLUDING COMBUSTIBLE DECKS, PATIO COVERS AND GAZEBO'S ARE PROHIBITED IN THIS ZONE. SEE FIRE PROTECTION PLAN FOR DETAILS.
- 

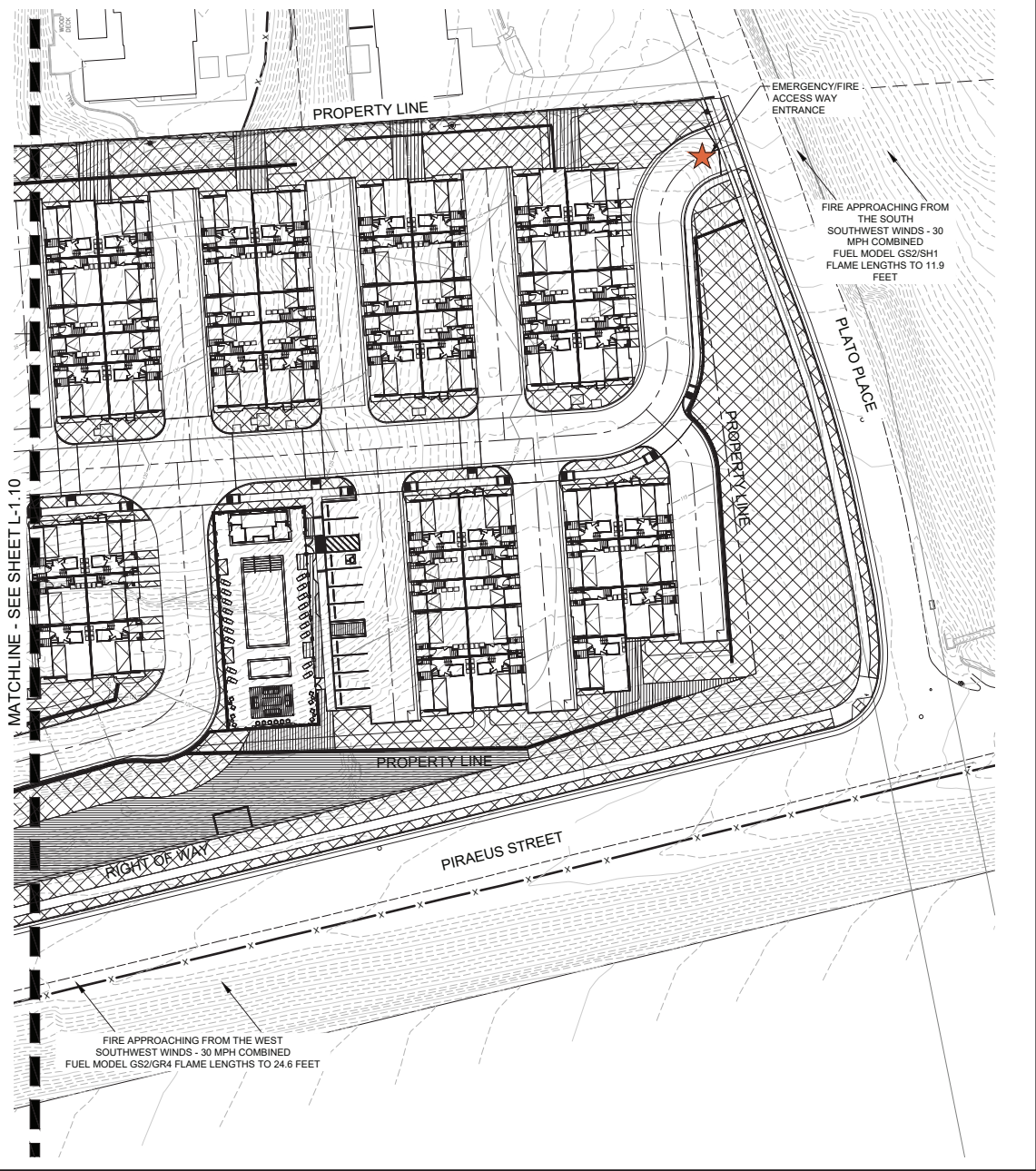
IRRIGATED ZONE 1B (HOA MAINTAINED)
AN IRRIGATED LANDSCAPED ZONE UP TO 50 FEET IN WIDTH THAT IS LOCATED ON THE LANDS THAT ARE PUBLICLY OWNED BUT MAINTAINED BY THE PIRAEUS DEVELOPMENT HOA. IT ALSO INCLUDES MANUFACTURED SLOPES LOCATED MORE THAN 50 FEET FROM A STRUCTURE. SEE ZONE 1A ABOVE FOR FURTHER DETAILS.
- 

THINNING ZONE 2 (HOA MAINTAINED)
AN AREA THAT BEGINS ON THE NORTH SIDE OF THE RETAINING WALL NORTH OF THE NORTHERN BUILDINGS THAT EXTENDS NORTHWARD FOR A DISTANCE OF 100 FEET FROM THE FRONT OF EACH BUILDING FACE. THIS AREA MAY INCLUDE SINGLE OR SMALL CLUSTERS OF TRIMMED FIRE RESISTANCE NATIVE PLANTS UP TO 18 INCHES IN HEIGHT AND TRIMMED NATIVE TREES LIMBED UP TO 6 FEET FROM THE GROUND WHERE 50% OF THE VEGETATION IS REMOVED. SELECTED NATIVE PLANT CLUSTERS MUST BE SEPARATED BY AT LEAST 1 1/2 TIMES MATURE HEIGHT OF THE RETAINED PLANTS. THE GRASSES SHALL BE WEED WHIPPED AND MAINTAINED AT LEAST ANNUALLY TO 4" OR LESS IN STUBBLE HEIGHT ONCE THEY HAVE CURED. SEE FIRE PROTECTION PLAN FOR ADDITIONAL DETAILS.
- 


ROADSIDE FUEL TREATMENT (HOA MAINTAINED)
A MINIMUM OF 20 FEET IN WIDTH ON THE DOWNHILL SIDE AND 20 FEET IN WIDTH ON THE UPHILL OF THE ROADWAY OR DRIVEWAY PRISM THAT IS CLEAR OF ALL COMBUSTIBLE VEGETATION AND LANDSCAPED TO ZONE 1A CRITERIA. THE LAND UPON WHICH THIS ZONE EXISTS MAY BE PRIVATELY OR PUBLICLY OWNED.
- 


THE STRUCTURES IDENTIFIED IN GREY SHALL HAVE 2 HR. RATED EXTERIOR WALLS FACING THE DRIVEWAY THAT SERVES EACH STRUCTURE. ADDITIONALLY, THE FIRE SPRINKLER SYSTEM SHALL BE INSTALLED IN ALL CLOSETS AND BATHROOMS REGARDLESS OF SIZE AND EXTEND INTO THE ATTIC SPACE. SEE SECTION 6.2 OF THE WRITTEN FIRE PROTECTION PLAN.
- 


EMERGENCY/FIRE ACCESS WAY ENTRANCE





FIRE PROTECTION LEGEND

- 

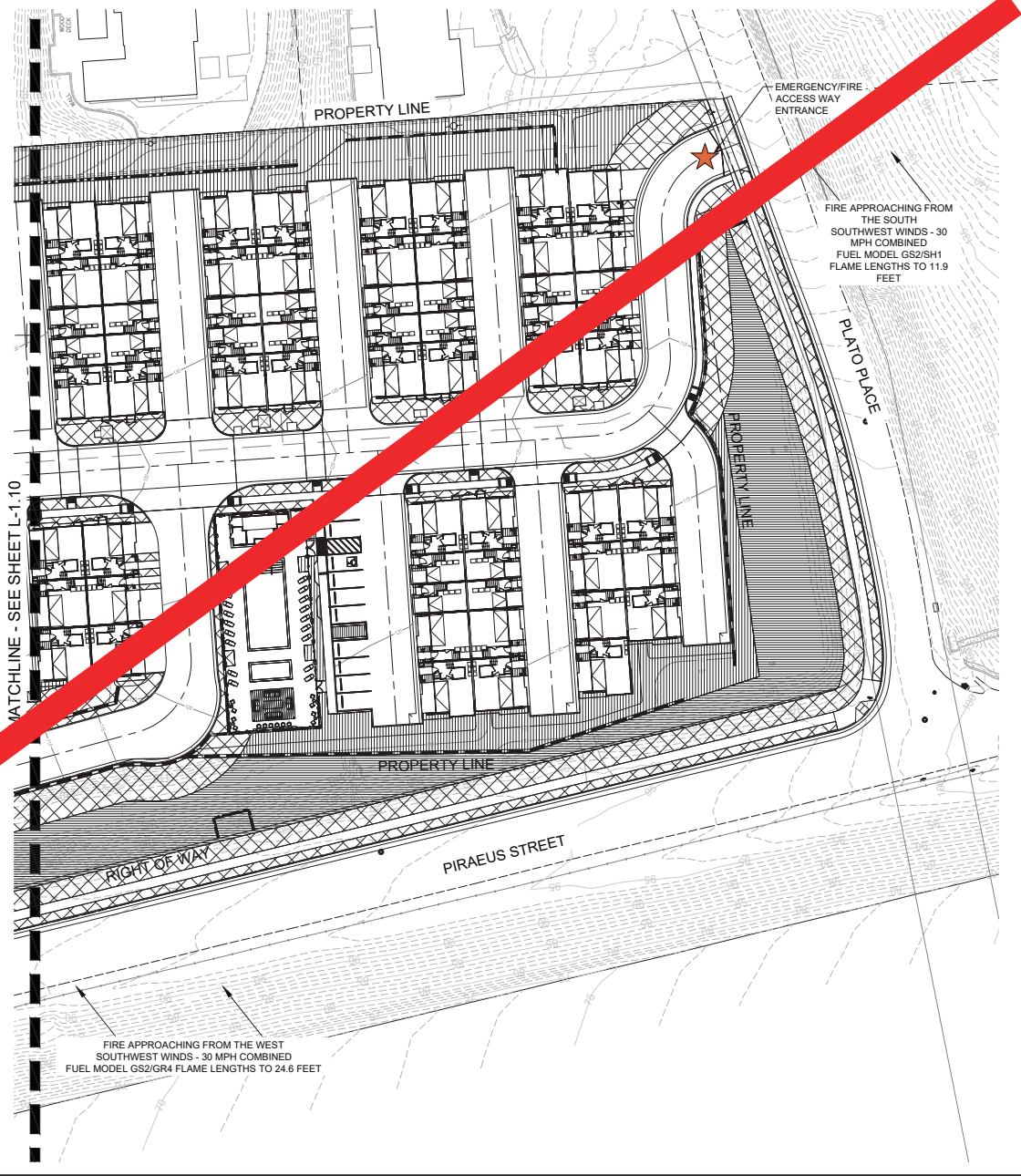
IRRIGATED ZONE 1A (HOA MAINTAINED)
AN IRRIGATED LANDSCAPE ZONE TYPICALLY 50 FEET IN WIDTH FROM EACH STRUCTURE. ONLY PLANTS FROM THE APPROVED CITY OF ENCINITAS PLANT LIST ARE TO BE INSTALLED AND MAINTAINED. ALL COMBUSTIBLE BUILDING MATERIALS INCLUDING COMBUSTIBLE DECKS, PATIO COVERS AND GAZEBOS ARE PROHIBITED IN THIS ZONE. SEE FIRE PROTECTION PLAN FOR DETAILS.
- 

IRRIGATED ZONE 1B (HOA MAINTAINED)
AN IRRIGATED LANDSCAPED ZONE UP TO 50 FEET IN WIDTH THAT IS LOCATED ON THE LANDS THAT ARE PUBLICLY OWNED BUT MAINTAINED BY THE PIRAEUS DEVELOPMENT HOA. IT ALSO INCLUDES MANUFACTURED SLOPES LOCATED MORE THAN 50 FEET FROM A STRUCTURE. SEE ZONE 1A ABOVE FOR FURTHER DETAILS.
- 

THINNING ZONE 2 (HOA MAINTAINED)
AN AREA THAT BEGINS ON THE NORTH SIDE OF THE RETAINING WALL NORTH OF THE NORTHERN BUILDINGS THAT EXTENDS NORTHWARD FOR A DISTANCE OF 100 FEET FROM THE FRONT OF EACH BUILDING FACE. THIS AREA MAY INCLUDE SINGLE OR SMALL CLUSTERS OF TRIMMED FIRE RESISTANCE NATIVE PLANTS UP TO 18 INCHES IN HEIGHT AND TRIMMED NATIVE TREES LIMBED UP TO 6 FEET FROM THE GROUND WHERE 50% OF THE VEGETATION IS REMOVED. SELECTED NATIVE PLANT CLUSTERS MUST BE SEPARATED BY AT LEAST 1 1/2 TIMES MATURE HEIGHT OF THE RETAINED PLANTS. THE GRASSES SHALL BE WEED WHIPPED AND MAINTAINED AT LEAST ANNUALLY TO 4" OR LESS IN STUBBLE HEIGHT ONCE THEY HAVE CURED. SEE FIRE PROTECTION PLAN FOR ADDITIONAL DETAILS.
- 

ROADSIDE FUEL TREATMENT (HOA MAINTAINED)
A MINIMUM OF 20 FEET IN WIDTH ON THE DOWNHILL SIDE AND 20 FEET IN WIDTH ON THE UPHILL OF THE ROADWAY OR DRIVEWAY PRISM THAT IS CLEAR OF ALL COMBUSTIBLE VEGETATION AND LANDSCAPED TO ZONE 1A CRITERIA. THE LAND UPON WHICH THIS ZONE EXISTS MAY BE PRIVATELY OR PUBLICLY OWNED.
- 

EMERGENCY/FIRE ACCESS WAY ENTRANCE



Section 4.0

Effects Found Not to Be Significant

California Public Resources Code Section 21003(f) states, “It is the policy of the state that...all persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment.” This policy is reflected in California Environmental Quality Act (CEQA) Guidelines Section 15126.2(a), which states that “an EIR [environmental impact report] shall identify and focus on the significant impacts of the proposed project on the environment,” and Section 15143, which states that “the EIR shall focus on the significant effects on the environment.” As stated in Section 15128 of the CEQA Guidelines, “An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.”

In the course of evaluation, certain impacts were found not to be significant (no impact) or to be less than significant because the characteristics of the proposed project would not result in such impacts. This section briefly describes such effects. However, other individual impacts found to be less than significant are evaluated in the various EIR sections (Sections 3.1 through 3.15) to more comprehensively discuss why impacts are less than significant in order to better inform decision-makers and the general public.

4.1 AGRICULTURE AND FORESTRY RESOURCES

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?

The California Department of Conservation (DOC) operates a Farmland Mapping and Monitoring Program (FMMP) that maps and collects statistical data on the state’s agricultural resources. Agricultural land is rated according to soil quality and irrigation status, with the best quality land called Prime Farmland. Maps are updated every two years, with current land use information gathered from aerial photographs, a computer mapping system, public review, and field reconnaissance. The DOC Prime Farmlands, Farmlands of Statewide Importance, and Unique Farmlands are referenced in CEQA Guidelines Appendix G as resources to consider in an evaluation of agricultural impacts.

According to available data from the FMMP, both the project site and off-site preserve area are identified as Other Land, which is defined as land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian

4.0 Effects Found Not to Be Significant

areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Further, vacant and nonagricultural lands surrounded on all sides by urban development and greater than 40 acres in size are mapped as Other Land (DOC 2022).

A review of historic aerial photographs and maps of the project area provides information on the past land uses of the property and potential for buried archaeological sites. Based on this information, the majority of the property was partially developed for agriculture in the 1930s, and occasionally used for such purposes until sometime in the 1950s (ECORP 2022; refer to Appendix E). However, the site has not supported such uses since that time and has instead remained in its current, undeveloped state. Therefore, the project would not convert any designated Farmland or actively farmed lands to nonagricultural use.

Further, the project site is zoned for residential use (RR-2 and R-30 overlay zone), which is consistent with the General Plan, Zoning Map, Local Coastal Program, and the provisions of the General Plan Housing Element. No lands affected by the project are zoned or otherwise designated as lands intended for agricultural use.

The City is responsible for the issuance of Coastal Development Permits within the Coastal Zone, excluding submerged lands, tidelands, or public trust lands. Coastal Act Section 30242 provides that "All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands." For these reasons, land use conflicts within the R-30 overlay zone, in which the project site is located, would be minimized in accordance with Section 30242 of the Coastal Act and as such, the City's Housing Element is consistent with the relevant policies of the California Coastal Commission. As such, the project would not conflict with any land use plan, policy, or regulation adopted by the California Coastal Commission.

The project site does not meet the definition of Unique Farmland and would not result in the conversion of agricultural land, which is consistent with the General Plan, Zoning Map, Local Coastal Program, and provisions of the Housing Element. Therefore, the project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use. **No impact** would occur in this regard.

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

Refer to Response 4.1a), above. The subject property is not intended for agricultural use and is not subject to a Williamson Act contract. Additionally, the project site is zoned for Multi-Family

Residential use which is consistent with the General Plan, Zoning Map, Local Coastal Program, and the provisions of the General Plan Housing Element. Therefore, **no impact** would occur.

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

The City does not support any lands zoned as forestland or timberland. Therefore, implementation of the proposed project would not conflict with existing zoning for, or cause rezoning of, any forestland or timberland. **No impact** would occur.

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

The City does not contain any forestlands. Therefore, implementation of the proposed project would not result in the loss or conversion of forestland to non-forest use and would not otherwise adversely impact forestland in the area. **No impact** would occur.

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

Refer to Responses 4.1a) and 4.1c), above. The project site is currently vacant and undeveloped, and is zoned for residential development. Any subsequent action undertaken by the City to rezone other sites currently zoned for agricultural use would be separate and unrelated to the proposed project, and would be required to comply with applicable CEQA requirements to be analyzed at that time.

Existing land uses on surrounding properties are predominantly residential. Lands surrounding the project site do not support designated Farmland or forestland. Therefore, the proposed project would not involve changes in the existing environment that would result in conversion of Farmland to nonagricultural use or conversion of forestland to non-forest use. **No impact** would occur in this regard.

4.2 MINERAL RESOURCES

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

According to the California Department of Conservation (Division of Mine and Geology), the project site, along with the majority of lands in the City of Encinitas, is designated as Mineral Resource Zone 3 (MRZ-3), which indicates an area containing mineral deposits the significance of

4.0 Effects Found Not to Be Significant

which cannot be evaluated from available data (CDC 1996). No known mineral resource recovery sites occur or are designated within or adjacent to the project site, including in the City's General Plan. Therefore, the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **No impact** would occur in this regard.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The project site is not in an area designated for locally important mineral resources and is not utilized for mineral resource production. As such, the proposed project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. **No impact** would occur in this regard.

4.3 POPULATION AND HOUSING

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The project site is included in the City of Encinitas General Plan Housing Element, which was adopted by the City of Encinitas on April 7, 2021. According to the Housing Element (Fifth Cycle), the project site (identified in the Housing Element as 6.88 acres gross/net) is designated with an R-30 overlay (maximum 30 dwelling units per net acre, or du/ac) and allocated a minimum of 172 units at a density of 25 du/ac and a maximum of 206 units at a density of 30 du/ac (City of Encinitas 2019).

However, taking into account allowed adjustments for on-site topography (e.g., steep slopes), the R-30 zoning overlay would require a minimum of 134 dwelling units at the minimum allowed density of 25 du/ac. Under the R-30 overlay zoning, the 6.88-acre project site could be developed with up to 206 base residential units (6.88 gross acres x 30 du/acre) prior to application of a density bonus. Therefore, the project as proposed would be consistent with the City's General Plan, Local Coastal Program, Housing Element, and Zoning Ordinance, as it proposes 149 residential townhomes, which is within the anticipated range of units identified under the General Plan Housing Element for the site. For these reasons, the proposed project does not represent unplanned growth.

Further, the project site is bordered by residential development to the east and south; Piraeus Street and I-5 to the west; and undeveloped land to the north. The project is therefore not anticipated to induce substantial indirect growth through the extension of roads and other

infrastructure as analyzed in Section 6.3, Growth Inducing Impacts. The site would be developed consistent with the identified housing unit allowances, and no change to the existing General Plan land use designation or zoning classification is required to allow for the project as proposed.

As shown in Table 4.3-1, the City's population was expected to be 62,829 in 2020 and 66,178 in 2050. Based on the person per household estimate of 2.51 persons as identified by the City, the project is anticipated to support a future population of approximately 374 people (2.51 x 149 residential units). The project would represent a less than one percent increase to the 2020 population and a less than one percent increase to the projected 2050 population (City of Encinitas 2019).

Total housing units in the City were expected to be 26,131 in 2020 and 27,667 in 2050 (City of Encinitas 2019). The project would therefore represent a less than one percent increase to the total number of anticipated housing units in the years 2020 and 2050.

Table 4.3-1: Population and Housing Projections - City of Encinitas

Unit	Estimated	Forecasted	
	2020	2035	2050
Total Population	62,829	64,718	66,178
Person per Household	2.51	2.51	2.51
Total Housing Units	26,131	26,633	27,667

Source: City of Encinitas Housing Element Update (5th Cycle) 2019.

As the proposed project would not induce substantial unplanned population growth, either directly (i.e., by proposing new homes and businesses) or indirectly (i.e., through extension of roads or other infrastructure), impacts would be **less than significant**.

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

The project site is currently undeveloped and does not support any existing residential housing units or associated occupants. The proposed project would not displace substantial numbers of existing people or housing, thereby necessitating the construction of replacement housing elsewhere. **No impact** would occur.

This page left blank intentionally.

5.1 INTRODUCTION

Section 15126.6(a) of the CEQA Guidelines requires that an EIR describe a reasonable range of project alternatives that could feasibly attain the basic objectives of the project, while avoiding or reducing impacts associated with the project.

According to CEQA Guidelines Section 15126.6(a), the discussion of alternatives must focus on alternatives to the project, or to the project location, which will avoid or substantially reduce any significant effects of the project, even if the alternatives would be costlier or hinder to some degree the attainment of the project objectives.

The “No Project” alternative must also be evaluated. The “No Project” analysis must discuss the existing conditions and what would reasonably be expected to occur in the foreseeable future if the project was not approved.

The range of alternatives required is governed by a “rule of reason,” meaning that the EIR must only evaluate those alternatives necessary to permit a reasoned choice. The alternatives must be limited to only ones that would avoid or substantially lessen any of the significant effects of the project.

Additionally, an EIR should not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative. The CEQA Guidelines also require an EIR to state why an alternative is being rejected. If the City ultimately rejects any or all alternatives, the rationale for rejection will be presented in the findings that are required before the City certifies the EIR and takes action on the proposed project.

According to Section 15126.6(f)(1) of the CEQA Guidelines, among the factors that may be taken into account when addressing feasibility of alternatives are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, regulatory limitations, jurisdictional boundaries, and whether the applicant could reasonably acquire, control, or otherwise have access to the alternate site.

CEQA requires that an environmentally superior alternative be identified; that is, an alternative that would result in the fewest or least significant environmental impacts. If the No Project Alternative is the environmentally superior alternative, State CEQA Guidelines Section 15126.6(e)(2) requires that another alternative that could feasibly attain most of the project’s basic objectives be chosen as the environmentally superior alternative.

5.2 PROJECT OBJECTIVES

The purpose of the project is to create a community that provides a mixture of product types that would offer opportunities for housing across income groups in conformance with the City's 2013-2021 Housing Element (City of Encinitas 2019). The key project objectives are presented below.

1. Provide housing options to support an inclusive, diverse community to meet current and future housing demand in the City.
2. Provide at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources.
3. Provide affordable housing within the project for very low income families, thereby helping to meet the state-mandated affordable housing requirements and further encouraging diversity within the community.
4. Provide dedicated on- and off-site open space for the long-term protection of sensitive habitat and species for biological mitigation purposes, as well for the protection of existing views, by concentrating development within a portion of the site.
5. Provide a residential housing product aimed at meeting growing demand for for-sale multi-family townhomes.
6. Create a walkable environment that promotes and enhances the pedestrian experience throughout the site, with safe, convenient, and attractive connections including a walking paseo and an outdoor common area to support community engagement.
7. Minimize visual impacts of the development by providing landscaped buffers, distancing structures from adjacent roadways, and respecting maximum height allowances of the applicable zoning.

5.3 IMPACTS OF THE PROPOSED PROJECT

Based on the analysis contained in Section 3.0, Environmental Analysis, the only significant and unavoidable impact (unable to fully mitigate below established thresholds) relates to vehicle miles traveled (VMT). Refer to Section 3.12, Transportation.

Other impacts, including impacts related to air quality, biological resources, cultural resources, geology and soils (paleontological resources), noise, tribal cultural resources, and wildfire would be mitigated to less than significant with the incorporation of mitigation measures. Refer to Chapter 3.0, Environmental Analysis, for additional discussion.

Impacts to agriculture and forestry resources, aesthetics, energy conservation and climate change, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services and recreation, and utilities and service systems were found to be less than significant. No mitigation measures are therefore required.

It should be noted that the project requests one waiver, as allowed by state Density Bonus Law. The waiver requested is necessary because the project exceeds the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). Without City approval of this waiver, the project footprint would be substantially reduced, thereby impacting the project's ability to provide for deed-restricted affordable housing on-site. As the project would be subject to City review and approval of the proposed waiver, the project would not conflict with the requirements of the City's Hillside/Inland Bluff Overlay Zone. Refer to Section 3.9, Land Use and Planning.

5.4 ALTERNATIVES TO THE PROPOSED PROJECT

This analysis focuses on alternatives capable of eliminating significant adverse environmental effects or reducing them to less than significant levels, even if these alternatives would impede, to some degree, the attainment of the proposed project objectives.

As noted previously, the CEQA Guidelines (Section 15126.6(e)(2)) require that the alternatives discussion include an analysis of the No Project Alternative. Pursuant to CEQA, the No Project Alternative refers to the analysis of existing conditions (i.e., implementation of current plans) and what would reasonably be expected to occur in the foreseeable future if the project was not approved. Further, CEQA Section 15126.6(a) provides that an EIR need not consider every conceivable alternative to a project; rather, an EIR need only consider a reasonable range of alternatives. The following alternatives have been identified for analysis in compliance with CEQA:

- **Alternative 1:** No Project/No Development Alternative
- **Alternative 2:** Reduced Development Footprint Alternative

Table 5.0-1, Comparison of Alternative Project Impacts to the Proposed Project, summarizes the potential impact of each alternative on the environmental resources evaluated in the EIR that require mitigation as compared to the proposed project.

Table 5.0-1: Comparison of Alternative Project Impacts to the Proposed Project

Topic	Alternative 1: No Project/No Development	Alternative 2: Reduced Development Footprint Alternative
Air Quality	<	=
Biological Resources	<	<
Cultural and Tribal Cultural Resources	<	<
Geology and Soils (Paleontological Resources)	<	<
Noise	<	=
Transportation ¹	<	=
Wildfire	<	=

Notes:

= Impact is equivalent to impact of proposed project (neither environmentally superior nor inferior).

< Impact is less than impact of proposed project (environmentally superior).

> Impact is greater than impact of proposed project (environmentally inferior).

¹ Transportation impacts are based upon VMT (not traffic) Refer to Section 3.12, Transportation.

ALTERNATIVE 1: NO PROJECT/NO DEVELOPMENT ALTERNATIVE

As part of the City’s 2013-2021 HEU, the project site was designated with an R-30 Overlay and allocated up to 206 residential units (6.88 acres x 30 DU/acre) prior to application of a density bonus. With the application of density bonus, the project could support up to 310 homes. No changes to the existing land use or zoning classification are required or proposed to allow for implementation of the project as currently proposed.

Under the No Project Alternative, the project as proposed would not be approved and future development would not occur. As such, the project site would remain undeveloped, vacant land. Although found to be a less than significant impact in this EIR, and therefore not further evaluated in this alternative analysis, this alternative would generally reduce effects related to aesthetics, energy conservation and greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, public services and recreation, and utilities as no new development would occur on-site and the site would remain in its current condition. However, a significant and unavoidable impact relative to transportation would not occur with this alternative.

It should be noted that this alternative would not be consistent with the City’s requirement to provide for housing per the HEU and the City’s obligations under the Regional Housing Needs Assessment. Further, this alternative would not meet any of the stated project objectives, as no development would occur.

Air Quality

Based on the results of the Health Risk Assessment (HRA), the proposed project requires installation of MERV-16 filters within homes to reduce cancer risks for project residents resulting from exposure to suspended diesel particles generated from Interstate 5 (I-5).

As no development would occur on-site with this alternative, residents that would otherwise occupy the project site would not be exposed to suspended diesel particles generated from I-5. Therefore, air quality impacts would be reduced when compared to the proposed project.

Biological Resources

Based on the results of the Biological Technical Report, the proposed project requires mitigation measures to reduce the significant impacts to sensitive species and habitat that may occur as a result of development of the project. In particular, mitigation measure **BIO-1** would require the applicant to preserve in perpetuity the vegetation within the proposed off-site preserve area, comprised of APN 216-110-4-35-00 and the northern portion of APN 254-144-01-00, and prepare a preserve management plan for the mitigation areas.

The No Project/No Development Alternative would not implement the mitigation measures proposed with the project, as development of the subject site would not occur. Potential impacts to sensitive biological resources during site preparation, vegetation clearing, and ground-disturbing activities would therefore be reduced, as no disturbance would occur.

However, long-term protection of sensitive biological resources within the off-site preserve area, as proposed with the project, would not be achieved, and no easement or other protective measure would be implemented. As such, there is no certainty that the lands comprising the intended off-site preserve area would be protected in perpetuity if the No Project/No Development Alternative was adopted. Overall, as compared to the proposed project, the potential for significant impacts to sensitive biological resources would be reduced with this alternative.

Cultural and Tribal Cultural Resources

Impacts to cultural and tribal resources generally occur during ground-disturbing activities such as grading and excavation. As the No Project/No Development Alternative would not include such activities, disturbance of unknown cultural and tribal cultural resources would not occur. Therefore, impacts to cultural and tribal cultural resources would be reduced when compared to the proposed project.

Geology and Soils (Paleontological Resources)

The project site is generally underlain by Quaternary-age Very Old Paralic Deposits and Santiago Formation. Quaternary-age Very Old Paralic Deposits are considered to have a moderate paleontological sensitivity; the Santiago Formation is considered to have a high paleontological sensitivity.

Impacts to paleontological resources generally occur during ground-disturbing activities, such as grading or excavation. As this alternative does not include such activities, direct and indirect impacts to undiscovered paleontological resources would not occur with this alternative. Therefore, impacts to paleontological resources would be reduced when compared to the proposed project.

Noise

As no development would occur on-site with this alternative, no noise generated by construction activities or operations would result. Noise levels would remain the same as under existing conditions. Therefore, noise impacts would be reduced when compared to the proposed project.

Transportation

As no on-site development would be undertaken with this alternative, no conflict with transportation-related programs, plans, ordinances, or policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities would result. No improvements that would result in increased hazards or incompatible uses would occur, and emergency access would not be adversely affected.

As discussed in Section 3.12, Transportation, the proposed residential uses are anticipated to generate a VMT/capita of 23.7 miles which exceeds the 85 percent significance threshold of 16.1 miles by 7.6 miles. Although transportation demand measures would be implemented to reduce project VMT impacts associated with the project as proposed, impacts relative to VMT would remain significant and unavoidable.

As no on-site development would occur under the No Project/No Development Alternative, no new residential uses or associated vehicle trips would be generated since the site is currently undeveloped, vacant land (e.g., non-traffic generating land use). This alternative would therefore avoid the significant and unavoidable impact to VMT that would result with project implementation. Impacts would be reduced as compared to the proposed project.

Wildfire

As the subject site would remain in its natural state under this alternative, the property would be unoccupied and no building construction or other site improvements that could result in the potential for impairment of emergency response or evacuation; exacerbation of or exposure to wildfire risks due to slope or prevailing winds; increased fire risk due to maintenance or infrastructure; or, exposure of people or structures to flooding or landslides due to runoff, post-fire slope instability, or drainage changes would occur. As such, impacts relative to wildfire would be reduced under the No Project/No Development Alternative as compared to the proposed project. However, it should be noted that no preventative measures, such as routine brush management, would be implemented on-site that would contribute to a reduction in potential risk or spread of wildfire in the area.

Summary

As ground-disturbing activities would not occur as part of this alternative, impacts to sensitive biological resources would be reduced compared to the proposed project; however, this alternative would not ensure the long-term preservation of the off-site preserve area. Impacts relative to air quality; noise; cultural, tribal cultural, and paleontological resources (e.g., potential to inadvertently discover unknown resources); and wildfire would be reduced as the subject site would not be developed. This alternative would not result in transportation-related impacts as the project site is current undeveloped, and vacant land would not generate daily vehicle trips (or vehicle miles traveled).

As shown in Table 5.0-1, Comparison of Alternative Project Impacts to the Proposed Project, this alternative would result in reduced impacts relative to air quality, biological resources, cultural resources, geology and soils (paleontological resources), noise, tribal cultural resources, and transportation as compared to the proposed project. However, this alternative would not achieve most of the project objectives including, but not limited to, providing housing options to support an inclusive, diverse community to meet current and future housing demand in the City; providing affordable housing for very low income families, thereby helping to meet the state-mandated affordable housing requirements within the community; or, providing dedicated on- and off-site open space for the long-term protection of sensitive habitat and species for biological mitigation purposes.

It should be noted that, based on the analysis included in Section 3.8, Hydrology and Water Quality, the proposed project would result in less than significant impacts to hydrology and water quality as it would incorporate the construction of new infrastructure improvements that would reduce runoff from the project site and treat water quality to standards consistent with the municipal separate storm sewer system (MS4) permit. Although not analyzed herein for this

5.0 Alternatives

alternative because project impacts were determined to be less than significant, no such stormwater infrastructure improvements would be installed with the No Project/No Development Alternative and runoff from the site would continue to leave the property untreated (current condition). While this is part of the baseline under CEQA, it represents a greater potential impact to water quality and hydrology as compared the proposed project.

ALTERNATIVE 2: REDUCED DEVELOPMENT FOOTPRINT ALTERNATIVE

Reduced Development Footprint Alternative

The Reduced Development Footprint Alternative would reduce the overall development footprint on-site and would allow for additional biological open space protection due to a reduction in the area required for brush clearance. As with the proposed project, the “off-site preserve area” would remain in its natural state under this alternative with no disturbance or improvements proposed. This parcel would serve as mitigation land for impacts resulting with development of the southern parcel (“project site”).

The Reduced Development Footprint Alternative would result in construction of 149 multi-family residential units, similar to the proposed project. A similar mixture of unit types (52 one-bedroom homes, 37 two-bedroom homes, and 60 three-bedroom homes) is anticipated. Of the 149 residential units, 134 would be market-rate homes and 15 would be “very low” income affordable homes, similar to that proposed with the project. No amenities (e.g., pool, spa, pool house, or lounge seating) are proposed with the Reduced Footprint Alternative.

In order to achieve a reduced development footprint and maintain the same unit count, this alternative would require construction of two 5-story buildings, as compared to the 16 three-story buildings proposed with the project. As such, the on-site structures with the Reduced Development Footprint Alternative would reach an estimated 65 feet in total height.

Additionally, rooftop decks would not be proposed with the residential units and the common area/pool would be located further to the east within the site. This design approach would reduce potential adverse noise effects from traffic along Interstate 5 as compared to the project, although noise effects would still occur due to proximity of the freeway.

No individual parking garages would be provided for the residential units. Adequate parking (271 spaces) would be provided on-site in conformance with City requirements, similar to the proposed project.

Access to the site under this alternative would be provided via a single access point along Plato Place. No access would be provided from Piraeus Street.

Unlike the proposed project, this alternative does not propose vacating the approximately 0.25-acre area along the Plato Place frontage and 0.71 acres along the Piraeus Street frontage, adjacent to the project boundary. Maintaining the existing right-of-way would require more extensive on-site slope grading which would be visible from surrounding public roadways, as depicted in Figures 5.0-1B, 5.0-2B, and 5.0-4B.

This alternative would require approval of a Condominium Tentative Map, Density Bonus Tentative Map, Design Review Permit, and a Coastal Development Permit (non-appealable) to allow for development of the property, similar to that required for the proposed project. City approval of a waiver to building height limits pursuant to Density Bonus law would be required to allow for the exceedance in building height over that allowed within the Coastal Overlay Zone.

Figures 5.0-1A, -2A, -3A, and -4A show existing views of the project site from the southwest corner of Piraeus Street and Plato Place; near the southeastern portion of the project site; from 1690 Gascony Road (Station White); and from I-5, respectively (refer to Section 3.1 for additional descriptions of the existing views).

As shown in Figures 5.0-1B, -2B, and -4B, the on-site residential buildings would be substantially more visible from the corner of Piraeus Street and Plato Place, the southeastern portion of the project site, and I-5 when compared to the proposed project (refer to Section 3.1 for descriptions of views from each of these vantage points associated with development of the proposed project).

As shown in Figure 5.0-3B, the upper portions of the proposed alternative would be more visible as compared to the proposed project. However, views of the proposed alternative are not anticipated to be noticeable by passengers in vehicles traveling along Gascony Road or occupying the public seating area provided at this location, similar to the proposed project.

This alternative is anticipated to reduce ~~, to a degree,~~ significant impacts on biological resources, cultural and tribal cultural resources, and geology and soils (paleontological resources) as compared to the proposed project. Impacts relative to transportation (vehicle miles traveled, or VMT), would remain significant and unavoidable, similar to the proposed project.

It is worth noting that demands on public parks and recreational facilities within the City and larger surrounding area would increase under this alternative, as no on-site common amenities would be provided. Additionally, as building heights would substantially increase to accommodate a reduced development footprint, this alternative would further increase the degree of visual change experienced in the existing visual setting, as compared to the proposed project.

5.0 Alternatives

The increased building height would also exceed allowable height limits for the R-30 Overlay Zone and would therefore conflict with relative General Plan goals and policies, thereby requiring City approval of a waiver to allow for construction. Further, the site is located within a Very High Fire Hazard Severity Zone and is considered to be at greater risk for potential wildfire occurrence; refer also to Section 3.15, Wildfire. As a result, a 100 foot Fuel Modification Zone is required in order to ensure public safety. City General Plan Land Use Element Policy 1.13 and Public Safety Element Policy 1.3 require that brush clearance around structures for fire safety not exceed a 30-foot perimeter in areas of native or significant brush, and as provided by Resource Management Policy 10.1. It is anticipated that the Reduced Development Footprint Alternative could achieve consistency with this requirement due to the on-site placement of buildings, as compared to the proposed project which would require deviation from these policies (as stated in Section 10.04.010 of the Municipal Code) in order to meet Fuel Modification Zone requirements; refer to discussion under Biological Resources, below, and Section 3.9, Land Use and Planning.

Air Quality

Under this alternative, the same number of units would be constructed and the project would generate an equivalent addition of residents as compared to the proposed project (374 residents). Although the residences would be located further from I-5 under this alternative, based on analysis included in the HRA, cancer risk for residents towards the eastern portion of the project site (close to where residences would be located under this alternative) would exceed the established San Diego Air Pollution Control District excess cancer risk significance threshold (refer to Appendix C-2). Therefore, it is anticipated that this alternative would expose the same number of residents to excess cancer risk and would require the installation of MERV-16 filters within residences (mitigation measure **AQ-1**). Impacts relative to air quality would therefore remain less than significant with mitigation incorporated, similar to the proposed project.

Biological Resources

Direct and indirect impacts to sensitive wildlife or plant species would still occur under this alternative, similar to the proposed project. Under this alternative, the same number of units and parking spaces would be developed as those proposed by the project. While the alternative would result in the construction of fewer buildings (two versus the project's proposed 16), thus reducing the building footprint, the overall area of disturbance would not be substantially reduced as compared to the proposed project, as parking would be entirely located via surface parking spaces and would not be located in private garages.

However, it is anticipated that potential impacts to sensitive biological resources would be lessened as the disturbance area resulting from brush management activities would be reduced. With the residential units accommodated within a fewer number of on-site structures, the

proposed buildings could be further distanced from the northern development boundary within the interior of the parcel, thereby reducing the degree to which required brush management activities would extend into adjacent biologically sensitive lands (measured outward from on-site structures). Therefore, impacts in this regard, as compared to the proposed project, would be reduced.

As with the project, construction of this alternative would have the potential to indirectly affect avian species if determined to be present at the time construction is undertaken. Similar to the project, no impacts to riparian habitat or wetlands would occur, as no such habitat is present. Therefore, impacts on biological resources would be considered similar, but somewhat reduced, as compared to those anticipated to result with the proposed project. Similar mitigation measures as identified with the project would be required to reduce impacts to less than significant.

Cultural and Tribal Cultural Resources

As with the proposed project, construction on the subject site under this alternative would have the potential to directly and/or indirectly impact unknown cultural resources; however, a reduced land area would be disturbed. Similar mitigation measures as the proposed project would be required to address undiscovered cultural and tribal cultural resources. Therefore, impacts would be similar, but somewhat reduced, as compared to the proposed project and considered less than significant with mitigation incorporated.

Geology and Soils (Paleontological Resources)

Impacts to paleontological resources generally occur during ground disturbing activities (i.e., grading and excavation). This alternative would include construction activities similar to that of the proposed project, thereby resulting in direct and indirect impacts to unknown paleontological resources from various subsurface construction disturbances. However, this alternative would eliminate the need for construction of a retaining wall along Piraeus Street, thereby slightly reducing the overall amount of earthwork required. Similar mitigation measures as the proposed project would be required to address the recovery of unknown paleontological resources, if encountered during construction. Therefore, impacts would be similar, but somewhat reduced, as compared to the project and would be reduced to less than significant with mitigation incorporated.

Noise

Under this alternative, the same number of units would be constructed, along with surface parking, landscaping, and other supporting (e.g., utility) improvements. As the same number of units would be constructed, construction duration and resulting noise impacts during

5.0 Alternatives

construction activities are anticipated to be similar to the proposed project. Therefore, potential noise impacts are considered to be similar with this alternative as compared to the proposed project.

Transportation

This alternative would develop the project site in generally the same intensity as the proposed project (e.g., multi-family residential uses). This alternative would include measures similar to the proposed project that would reduce VMT-related impacts, such as implementation of an electric bikeshare program, to encourage residents and visitors to utilize alternative means of transit. However, trip lengths would remain the same as for the proposed project and the adopted threshold would similarly be exceeded. As with the project, impacts relative to VMT would remain significant and unavoidable.

Wildfire

As a similar development footprint and unit count would occur with this alternative, it is anticipated that potential impacts relative to impairment of emergency response or evacuation; increased fire risk due to maintenance or infrastructure; or, exposure of people or structures to flooding or landslides due to runoff, post-fire slope instability, or drainage changes would remain less significant, similar to the proposed project. However, as the off-site preserve area and the subject site are designated as a Very High Fire Hazard Severity Zone, this alternative would have the potential to exacerbate wildfire risks or expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire fire risk. [In reference to the project's Fire Protection Plan, the estimated flame length, which is defined as the distance between the flame tip and the midpoint of the flame depth at the base of the flame, for untreated vegetation is 52.4 feet. Due to this flame length, it is infeasible to reduce the Fuel Modification Zone below 100 feet in order to ensure public safety.](#) Implementation of mitigation measures would be required, similar to the proposed project, to ensure that such risks are reduced to a less than significant level. Potential impacts would therefore be similar to the proposed project in this regard.

Summary

As shown in Table 5.0-1, Comparison of Alternative Project Impacts to the Proposed Project, this alternative would result in similar impacts relative to air quality, noise, and wildfire. Impacts to biological resources, cultural resources, geology and soils (paleontological resources), and tribal cultural resources would be reduced ~~_to a degree,~~ due to anticipated site design, grading requirements, and/or on-site building location. Additionally, impacts related to VMT would remain significant and unavoidable, as trip lengths per person would be unchanged as compared to the proposed project.

This alternative would achieve most of the project objectives, including but not limited to: providing housing options to support an inclusive, diverse community to meet current and future housing demand in the City; providing at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources; providing affordable housing within the project for very low income families, thereby helping to meet the state-mandated affordable housing requirements and further encouraging diversity within the community; providing dedicated on- and off-site open space for the long-term protection of sensitive habitat and species for biological mitigation purposes, as well for the protection of existing views, by concentrating development within a portion of the site; and providing a residential housing product aimed at meeting growing demand for for-sale multi-family townhomes. However, this alternative would not provide amenity space that would otherwise support community engagement and would not minimize visual impacts of the development, as building heights would exceed allowable limits within the City's Coastal Overlay Zone.

This page left blank intentionally.



This page intentionally left blank.



This page intentionally left blank.



This page intentionally left blank.



This page intentionally left blank.



Reduced Footprint Alternative -
Key View 3 - View from 1690 Gascony Road (Station White; Existing View)

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

This page intentionally left blank.



This page intentionally left blank.



This page intentionally left blank.



This page intentionally left blank.

5.5 ALTERNATIVES CONSIDERED BUT REJECTED

In accordance with CEQA Guidelines Section 15126.6, an EIR should identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and should briefly explain the lead agency's determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are failure to meet most of the basic project objectives, infeasibility, or inability to avoid significant environmental effects. The following are alternatives that have been rejected by the lead agency (in this case, the City of Encinitas) and will not be analyzed further in this EIR.

[Additionally, based on comments received on the Draft EIR during the public review period, two additional project alternatives were considered for their ability to reduce potential significant impacts on biological resources. These alternatives include the USFWS Alternative 1 - Reduced Project Footprint/Revised Brush Management Zone Alternative, and the USFWS Alternative 2 - Reduced Biological Impacts Alternative, described in greater detail below.](#)

ALTERNATIVE SITE ALTERNATIVE

Off-site alternatives are typically included in an environmental document to avoid, lessen, or eliminate a project's significant impacts by considering the proposed development in a different location. To be feasible, development of off-site locations must be able to fulfill the project purpose and meet most of the project's basic objectives. It is anticipated that locating the proposed project on off-site lands in the surrounding vicinity would generally result in similar development potential and associated environmental impacts, depending on the developed or undeveloped nature and physical characteristics of the selected site.

However, because Encinitas is generally urbanized and largely built out, impacts relative to biological resources, cultural resources, geology and soils, etc., are anticipated to be similar to those that would result with the project if the same development were built elsewhere in the community. Because most impacts would be similar, and because the proposed project only results in one significant, unavoidable impact, the alternative site would also be required to meet the 15% VMT reduction threshold to avoid significant and unavoidable impacts related to transportation.

Within the City, to achieve the allowed project density of 208 units (at a density of 30 dwelling units per acre), only sites with R-30 zoning were considered. These sites are limited to those identified by the 2019 HEU. None of these sites are considered feasible because they are not owned by the project proponent. Further, none of these sites is within "walking distance" (defined as ½ mile or less) of the Encinitas Coaster Station, which may reduce regional VMT by encouraging multi-modal transportation. Therefore, no alternative project locations were

5.0 Alternatives

determined to meet the majority of the project objectives and reduce significant and unavoidable impacts to VMT.

Within the region, alternate project location sites to reduce VMT impacts were considered in major employment areas also served by transit and which allow for high-density housing. This limited sites to the UTC area of San Diego (where the current MTS Blue Line trolley is being extended) and downtown San Diego. After reviewing these areas, it was determined that such alternative project locations would be infeasible because none of these sites are owned or controlled by the project proponent, and none would meet the majority of the project objectives.

For the above reasons, an alternative site location is considered infeasible pursuant to CEQA Guidelines Section 15126.6(c). Therefore, the Alternative Site Alternative was rejected from further analysis in the EIR.

FULL APPLICATION OF DENSITY BONUS

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

The subject site currently has a General Plan land use designation of R30 OL (Residential 30 Overlay) and RR2 (Rural Residential; 1.01-2.00 dwelling units per acre) and is zoned RR2 with a R-30 overlay zone as part of the City’s Housing Element. Under the R-30 overlay designation and zoning, the parcel could be developed with up to 206 base residential units (6.88 acres x 30 DU/acre) prior to application of a density bonus (and without adjustments for on-site steep slope allowances).

Under this alternative, development on the site would be maximized based on full unit allocation allowed under the R-30 overlay and application of state Density Bonus Law. With application of a density bonus (up to a 50 percent increase in unit count), the subject site could support a maximum of 310 residential units. Of the 310 residential units, 31 units, or 10 percent, would be allocated as “very low” income units. Under this alternative, it is assumed that the “off-site preserve area” would remain undeveloped and similarly serve to mitigate for impacts to biological resources resulting with development of the subject site.

Although this alternative would achieve the majority of the project objectives, it would not substantially reduce or avoid significant impacts resulting with the proposed project, due to the increase in unit count and density. With an expanded development footprint to accommodate

the additional residential units, it is anticipated that impacts related to biological and cultural resources would be increased under this scenario. Additionally, this alternative would generate additional vehicle trips as compared to the project, thereby increasing related air quality emissions, energy demands, and noise, as well as increasing demand on public services and utility systems. For these reasons, this alternative was rejected from further analysis in the EIR.

REDUCED UNIT COUNT ALTERNATIVE

Under this alternative, the subject site would be developed with the minimum number of residential units as allowed by the HEU. As identified in the HEU, the minimum density allowed is 25 residential dwelling units per acre. Therefore, theoretically, the approximately 6.88-acre site could be developed with 172 for-sale dwelling units, or 23 more units than that proposed with the project. However, applying the same adjustments for existing on-site steep slopes as for the proposed project (which restrict the allowable development area), a minimum of 134 dwelling units (or 15 fewer units than the proposed project) could be constructed under this alternative. Therefore, this alternative considers construction of 134 new residential townhomes. Of the 134 units, 121 units would be market-rate and 13 units (or ten percent) would be available as “very low” affordable income units, as compared to 15 “very low” income affordable units with the proposed project.

With a reduction in the number of residential units proposed, the development footprint on the project site could be reduced. Therefore, additional dedicated open space would be preserved on the northern portion of the subject site under this alternative.

Additionally, rooftop decks would not be proposed with the residential units and the common area/pool would be located further to the east within the site. This design approach would reduce potential adverse noise effects from traffic along Interstate 5 as compared to the project, although noise effects would still occur due to proximity of the freeway.

Although this alternative would achieve most of the stated project objectives, it would not introduce any components that would substantially reduce or avoid significant impacts as compared to the proposed project. The alternative is expected to reduce ~~, to a degree,~~ significant impacts to biological resources, cultural and tribal cultural resources, geology and soils (paleontological resources), and noise as compared to the proposed project; however, similar mitigation measures to the proposed project would still be required to reduce impacts to less than significant.

Additionally, impacts relative to VMT would remain significant and unavoidable, as this alternative would also exceed the adopted threshold, due to the similar location. Although measures to reduce VMT could be implemented, such measures would not reduce impacts to

below the threshold. Therefore, VMT impacts would not be reduced with this alternative as compared to the proposed project. This alternative would also provide fewer housing opportunities within the City while resulting in similar environmental impacts as compared to the proposed project. For these reasons, the alternative was rejected from further analysis in the EIR.

NO PROJECT/EXISTING ZONING ALTERNATIVE

The proposed “off-site preserve area” (APN 216-110-35) to the north of the proposed project site currently has a General Plan land use designation of RR1 (Rural Residential; 0.51-1.0 dwelling units/acre) and is zoned RR1 (or 1 dwelling unit per acre maximum). The parcel is approximately 4.95 acres in size; therefore, under the RR1 zoning, four residential dwelling units could be developed.

The project site (APN 254-144-01) currently has a General Plan land use designation of RR2 (Rural Residential; 1.01-2.00 dwelling units per acre) and is zoned RR2 with a R-30 overlay zone as part of the City’s Housing Element. Under this alternative, the parcel would be developed with the minimum number of residential units as allowed by the HEU. As identified in the HEU, the minimum density allowed is 25 residential units per acre. Therefore, the approximately 6.88-acre site would be developed with 172 for-sale dwelling units under this alternative (without consideration for steep slope allowances), or 23 more units than with the proposed project. Of the 172 units, 155 would be market-rate units and 17 (or ten percent) would be available as “very low” affordable income units, as compared to 15 “very low” income affordable units with the proposed project. Combined with allowable development on the parcel to the north, this alternative would result in development of 176 residential units under current zoning conditions (without application of a density bonus).

Although this alternative would achieve most of the stated project objectives, it would not introduce any components that would substantially reduce or avoid significant impacts as compared to the proposed project. Impacts relative to VMT would remain significant and unavoidable. Further, impacts related to biological and cultural resources would be increased under this scenario, as the northern parcel would be partially developed with residential uses and supporting infrastructure rather than preserved in its current undeveloped state. Additionally, this alternative would increase traffic generation as compared to the project, as well as related air quality emissions, energy demands, and noise, in addition to increased demand for public services and utility systems. For these reasons, this alternative was rejected from further analysis in the EIR.

USFWS ALTERNATIVE 1 - REDUCED PROJECT FOOTPRINT/REVISED BRUSH MANAGEMENT ZONE ALTERNATIVE

In response to comments received from the USFWS on the Draft EIR, *USFWS Alternative 1 - Reduced Project Footprint/Revised Brush Management Zone Alternative*, has been formulated to eliminate construction of the two northernmost structures proposed with the project, thereby eliminating the need for the required brush management zone to extend northward into sensitive on-site habitat. In reference to the project's Fire Protection Plan, the estimated flame length, which is defined as the distance between the flame tip and the midpoint of the flame depth at the base of the flame, for untreated vegetation is 52.4 feet. Due to this flame length, it is infeasible to reduce the Fuel Modification Zone below 100 feet in order to ensure public safety. In removing the two northernmost structures from the proposed development, this alternative would provide for construction of 26 fewer multi-family residential townhome units (or 123 units total), as compared to the 149 multi-family residential units proposed with the project. Additionally, as the overall number of proposed residential units would be reduced, the number of "very low" income affordable units would be reduced to 12 units (as compared to 15 very low income affordable units with the proposed project).

As a result, potential impacts to sensitive southern mixed chaparral habitat from brush management activities would be avoided, thereby reducing overall impacts to biological resources as compared to the project. Mitigation for remaining impacts to southern mixed chaparral would be achieved through restoration of coastal sage scrub in the non-native grassland and non-native riparian areas in the preserve area. Impacts to other sensitive habitats with this alternative would remain the same as those identified for the proposed project.

This alternative would retain the proposed off-site preserve area to the north and would offer the same on-site amenities as the project. Access would continue to be provided from Piraeus Street and Plato Place, and architectural design and structural height would also remain unchanged with this alternative.

By reducing the number of residential units, this alternative would not provide the minimum 134 residential housing units¹ mandated in the City's General Plan Housing Element. Accordingly, this alternative would not meet this primary project objective.

¹ Project site = 5.36 net acres. Per the General Plan Housing Element Update, the project site has a 25 dwelling units/acre minimum. 5.36 net acres (project site) x 25 dwelling units/acre = 134 minimum unit yield required.

USFWS ALTERNATIVE 2 – REDUCED BIOLOGICAL IMPACTS ALTERNATIVE

In response to comments received from the USFWS on the Draft EIR, *USFWS Alternative 2 - Reduced Biological Impacts Alternative*, would result in a substantial reduction of residential development on the project site with the intent of avoiding significant impacts to occupied California gnatcatcher habitat (Diegan coastal sage scrub); refer to EIR Figure 3.2-2, *Vegetation Communities and Land Cover Types*, and Figure 3.2-4, *Biological Survey Results - Wildlife*. This alternative would allow all required mitigation to occur on-site to ensure a viable preserve design in the affected areas.

However, in order to achieve avoidance of the occupied California gnatcatcher habitat in the central portion of the property, the remaining land area available for development would only allow for an estimated 105 multi-family residential units, thereby reducing the total number of available housing units by 44 as compared to the proposed project (149 multi-family units). Additionally, as the overall number of proposed residential units would be reduced, the number of very low income affordable units would be reduced to 11 units (as compared to 15 very low income affordable units with the proposed project). To avoid this habitat in the middle of the project site would require that a building be placed to the southernmost portion of the site and have a 100-foot Fuel Modification Zone. This would likely cause an infeasible project that would not meet the minimum density required. Further, the remaining habitat would be adjacent to on-site development and would be non-contiguous with other surrounding that may be suitable for California gnatcatcher.

This alternative would retain the proposed off-site preserve area to the north and would offer the same on-site amenities as the project. Access would continue to be provided from Piraeus Street and Plato Place, although reconfigured with respect to the revised internal siting of structures. Architectural design and structural height would also remain unchanged with this alternative.

Similar to USFWS Alternative 1 above, due to site constraints resulting with the avoidance of occupied gnatcatcher habitat, this alternative would reduce the number of proposed residential units and would not achieve the minimum 134 residential housing units mandated for the site in the City's General Plan Housing Element.² Accordingly, this alternative would not meet this primary project objective.

² Ibid.

5.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that an environmentally superior alternative be identified; that is, an alternative that would result in the fewest or least significant environmental impacts. If the No Project Alternative is the environmentally superior alternative, State CEQA Guidelines Section 15126.6(e)(2) requires that another alternative that could feasibly attain most of the project's basic objectives be chosen as the environmentally superior alternative.

The No Project/No Development Alternative is the environmentally superior alternative. However, in accordance with CEQA Guidelines Section 15126.6(e)(2), a secondary alternative must be chosen since the No Project/No Development Alternative is environmentally superior. Therefore, Alternative 2, Reduced Development Footprint Alternative, would be considered the environmentally superior alternative as it would reduce ~~(to a degree)~~ potential impacts to biological resources, cultural/tribal cultural resources, and geology/soils (paleontology), as compared to the proposed project.

This page left blank intentionally.

Section 6.0 Other CEQA Considerations

This section addresses those topics requiring evaluation under CEQA Guidelines Section 15126, which requires that all aspects of a project be considered when evaluating its impact on the environment, including planning, acquisition, development, and operation. As part of this analysis, the EIR must also identify: (1) significant and unavoidable environmental effects of the proposed project; (2) significant irreversible environmental changes that would result from implementation of the proposed project; and (3) growth-inducing impacts of the proposed project. Each of these topics is discussed in greater detail below.

6.1 SIGNIFICANT AND UNAVOIDABLE IMPACTS

Section 15126.2(a) of the CEQA Guidelines requires that an EIR discuss any significant impacts associated with the project.

Section 3.0, Environmental Analysis, of this EIR describes the potential environmental impacts of the proposed project and recommends mitigation measures to reduce impacts to a less than significant level, where feasible. The executive summary includes Table ES-1, which summarizes the environmental impacts, mitigation measures, and levels of significance before and after mitigation.

CEQA Guidelines Section 15126.2(c) requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. The environmental effects of the project on various aspects of the environment are discussed in detail in Section 3.0. Based on the analysis in this EIR, all significant environmental impacts can be mitigated to a less than significant level with the exception of impacts related to vehicle miles traveled (VMT).

As described in Section 3.12, Transportation, the project is located on an infill site; would contain a mixture of residential types on-site (e.g., one- to three-bedroom townhomes); includes project design features to enhance sustainability; would provide for a variety of housing types including “very low” income affordable housing; and is consistent with City’s General Plan, Local Coastal Program, Climate Action Plan, and San Diego Association of Governments’ (SANDAG) The Regional Plan.

Impacts related to VMT/capita and VMT/employee would not be reduced to 85% of the regional average. It is noted this unavoidable impact is primarily a result of the geographic location of the project in a suburban neighborhood, as trip characteristics of the surrounding residential land uses are used as a surrogate to estimate project trip characteristics, regardless of the inherent differences between land uses (described above). Additionally, no public transit facilities exist

6.0 Other CEQA Considerations

within approximately one mile of the project site. Bicycle facilities and sidewalks are generally limited in the project vicinity, and no employment or retail centers are located in the surrounding area. Based on such conditions, vehicle trip lengths tend to be greater, thereby resulting in greater vehicle dependence and VMT required to access jobs, services, goods, and other activities; refer also to Section 3.12, Transportation, for additional discussion. Any residential project located therein would likely result in a similar significant, unavoidable impact relative to VMT.

6.2 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(d) of the CEQA Guidelines requires an EIR to discuss the significant irreversible environmental changes that would result from implementation of a proposed project. Examples include a project's primary or secondary impacts that would generally commit future generations to similar uses (e.g., highway improvements at the access point); uses of nonrenewable resources during the initial and continued phases of the project (because a large commitment of such resources make removal or nonuse thereafter unlikely); and/or irreversible damage that could result from any potential environmental accidents associated with the project.

The physical effects of project implementation on the environment are addressed in Sections 3.1 to 3.15 and Chapter 4.0 of this EIR. Long-term irreversible environmental changes would result with improvements for utility connections; enhancement of existing drainage/stormwater quality conditions; an increase in local and regional traffic and associated air pollutants, greenhouse gas emissions, and noise levels; an increase in the volumes of solid waste and wastewater generated in the area; and an increase in water consumption.

Project construction and maintenance of the buildings and infrastructure proposed would require the commitment of energy, natural resources, and building materials. Nonrenewable and limited resources that would be consumed with project development would include oil, natural gas, gasoline, lumber, sand and gravel, asphalt, water, steel, and similar materials. Nonrenewable fuels would be used by construction equipment, haul trucks, and worker vehicles.

Nonrenewable energy also would be expended during the harvesting and mining of natural resources such as wood and aggregate and during the subsequent manufacturing of construction materials such as wood framing and concrete. This commitment of resources and energy would be commensurate with that of other projects of similar size but would nevertheless be irretrievable. Post-construction consumption of nonrenewable resources would include the use of electricity and water by project residents and visitors. This energy use would be a long-term commitment and irretrievable.

The project would not result in an unusually high demand for nonrenewable resources and would be consistent with applicable state and local goals and policies directed at reducing reliance on fossil fuels and encouraging renewable energy. The project would meet or exceed 2019 Title 24 energy efficiency requirements, resulting in homes that are approximately 20 percent more energy efficient than homes constructed prior to January 1, 2017. Further, the project would comply with City Ordinance 2021-13 in that all proposed residential buildings would be 100% electric (no natural gas or propane plumbing would be installed within buildings and no gas meter connection would be provided); no hearths would be installed within the residential units. Refer also to Section 3.5, Energy Conservation and Climate Change, for additional discussion.

Additionally, the project as proposed would include installation of solar panels capable of generating up to 149 kilowatts of solar power and four electric vehicle charging stations that would reduce project-related energy demands for nonrenewable resources. The project would incorporate other energy-saving features such as low-flow water fixtures, LED technology, drought-tolerant landscaping, ENERGY STAR appliances, and high-efficiency heating, ventilation, and air conditioning systems. The project would also include a Transportation Demand Management measures to reduce VMT and associated air pollution, greenhouse gas emissions, and noise levels. Refer to Section 3.2, Air Quality; Section 3.5, Energy Conservation and Climate Change; Section 3.12, Transportation; and Section 3.14, Utilities and Service Systems, for additional discussion.

6.3 GROWTH-INDUCING IMPACTS

CEQA Guidelines Section 15126.2(e) requires that an EIR discuss a project's potential to foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. The CEQA Guidelines also indicate that it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment. This section analyzes such potential growth-inducing impacts, based on criteria suggested in the CEQA Guidelines.

In general terms, a project may foster spatial, economic, or population growth in a geographic area if it meets any one of the following criteria:

- Removes an impediment to growth (e.g., establishes an essential public service or provides new access to an area).
- Fosters economic expansion or growth (e.g., changes revenue base, expands employment).

6.0 Other CEQA Considerations

- Fosters population growth (e.g., constructs additional housing), either directly or indirectly.
- Establishes a precedent-setting action (e.g., an innovation, a change in zoning, or a general plan amendment approval).
- Develops or encroaches on an isolated or adjacent area of open space (distinct from an infill type of project).

Should a project meet any one of the above-listed criteria, it may be considered growth inducing. The potential growth-inducing impacts of the proposed project are evaluated against these five criteria in this section.

CEQA Guidelines Section 15126.2(e) requires that an EIR “discuss the ways” a project could be growth inducing and “discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.” However, the CEQA Guidelines do not require that an EIR predict (or speculate) specifically where such growth would occur, in what form it would occur, or when it would occur. The answers to such questions require speculation, which CEQA discourages (see CEQA Guidelines Section 15145).

Removal of a Barrier to Growth

Several types of projects can induce population growth by removing obstacles that prevent growth. An example would be the expansion of a wastewater treatment plant which would accommodate additional sewer connections within a service area and therefore would allow for future construction and growth that may not have otherwise been feasible.

Development of the project site would result in the improvement and extension of infrastructure facilities located in and/or adjoining the project site. Extensions of utility lines (water, sewer) or other infrastructure or services (e.g., fire protection services) may result in growth inducement, as such improvements allow for not only the development responsible for expanding the infrastructure, but also other projects proposed in the surrounding area due to the availability of new (i.e., previously inaccessible) infrastructure. However, the area surrounding the project is presently developed with similar residential and commercial uses that are currently served by existing utility infrastructure and adequate public services (e.g., required fire service response times can be met without new or expanded facilities or personnel). Project utilities would also be sized to accommodate only the proposed project and would not provide for additional capacity that may induce new development. Further, the presence of Interstate 5 serves as a permanent barrier to potential growth or new development between the project site and areas

immediately to the west. As such, the project would not be expected to induce growth as a result of new infrastructure or services.

Obstacles to surrounding the project site are primarily due to the existing developed condition of the surrounding area, feasibility of development, economic constraints, permitting, or other development restrictions and regulations promulgated by local agencies. The project is consistent with, and would not modify, approved land use and zoning designations and; therefore, would not foster growth, remove direct growth constraints, or add a direct stimulus to growth. Therefore, growth-inducing impacts are precluded because the infrastructure is sized to serve the project and because the project would not affect the feasibility of development in the area, remove an obstacle to growth, or affect local agencies' development restrictions.

Economic Growth

The timing, magnitude, and location of land development and population growth in a community or region are based on various interrelated land use and economic variables. Key variables include regional economic trends, market demand for residential and nonresidential uses, land availability and cost, the availability and quality of transportation facilities and public services, proximity to employment centers, the supply and cost of housing, and/or regulatory policies or conditions.

The project would have the potential to contribute to economic growth as the result of construction. Project construction would be performed by independent contractors hired by the developer. In general, construction workers would be drawn from the local labor pool. If contract workers were employed, they would not cause growth in the area due to the short-term and temporary nature of their employment. Given the temporary nature of construction and because only residential uses are planned, the project is not expected to significantly affect economic growth in the City.

Homeowners would pay property taxes to the City that would improve the financial resources of the City. Residents of the project would also support the local economy by shopping at local businesses and paying sales taxes. Therefore, the project would support the local economy in the short and long term.

Population Growth

The project would increase the City population by an estimated 374 residents which would represent an approximate 0.6% increase in the City's population (refer to Section 3.11, Public Services and Recreation). The environmental effects of increasing the City's population due to development of the project site are evaluated in this EIR in Sections 3.1 to 3.15 and Chapter 4.0, and in particular in Section 3.2, Air Quality; Section 3.5, Energy Conservation and Climate Change;

6.0 Other CEQA Considerations

Section 3.10, Noise; Section 3.11; Public Services and Recreation; Section 3.12, Transportation; and Section 3.14, Utilities and Service Systems. Mitigation measures are identified where appropriate to reduce such effects to a less than significant level. All impacts would be less than significant with the exception of transportation impacts related to VMT, which would remain significant and unavoidable (refer to Section 3.12, Transportation). This significant, unavoidable impact is primarily a result of the location of the project in a suburban neighborhood, as previously discussed.

Establishment of a Precedent-Setting Action

A Density Bonus Tentative Map, Coastal Development Permit, Design Review, and other discretionary approvals are required to allow for the proposed development. These actions are not considered precedent-setting actions (defined as any act, decision, or case that serves as a guide or justification for subsequent situations), as they are commonly undertaken on a regular basis by many jurisdictions. All future discretionary projects in the project area would similarly be processed through the City and evaluated for consistency with the General Plan, as appropriate.

Such projects would be evaluated for growth-inducing effects and their potential to enable or encourage growth not intended or anticipated with buildout of the General Plan. Development of the project would be consistent with the City's General Plan, Local Coastal Program, and General Plan Housing Element as the project site is designated with an R-30 overlay. Therefore, City approval of the project would not represent a precedent-setting action that would encourage or allow for unplanned future growth within the area.

Encroachment on Open Space

All construction activities would occur within the project site; no currently designated open space lands are present adjacent to the subject property. The project site is currently undeveloped, vacant land, with a mixture of vegetation communities. The off-site preserve area would be left in its current state in order to mitigate for impacts resulting with project implementation (refer also to mitigation measure **BIO-1** in Section 3.3, Biological Resources). With implementation of the mitigation proposed, potential project effects would be reduced to less than significant. No encroachment into designated open space lands, or conversion of designated open space lands to a developed condition, would occur with the project as proposed.

7.1 ENVIRONMENTAL IMPACT REPORT

CITY OF ENCINITAS

Anna Colamussi Assistant Director
Nick Koutoufidis Environmental Project Manager

MICHAEL BAKER INTERNATIONAL

Bob Stark, AICP Project Director
Nicole Marotz, AICP, LEED AP Senior Environmental Planner
Milena LaBarbiera Assistant Environmental Planner
Hilary Heidenreich Graphics and Word Processing
Ana Cotham Technical Editor

7.2 TECHNICAL STUDIES

AIR QUALITY

Jeremy Loudon Ldn Consulting, Inc.

BIOLOGICAL RESOURCES

Caroline Garcia ECORP Consulting, Inc.
Stacie Tennant ECORP Consulting, Inc.

CULTURAL RESOURCES

John O'Connor, Ph.D., RPA ECORP Consulting, Inc.
Michael DeGiovine ECORP Consulting, Inc.
Lisa Westwood, RPA ECORP Consulting, Inc.

ENERGY CONSERVATION AND CLIMATE CHANGE

Jeremy Loudon Ldn Consulting, Inc.

GEOLOGY AND SOILS

Troy K. Reist, CEG, MBA Geocon, Inc.
Trevor E. Myers, RCE Geocon, Inc.
David B. Evans, CEG. Geocon, Inc.

HAZARDS AND HAZARDOUS MATERIALS

Cole E. Mikesell Geocon, Inc.
Troy K. Reist, CEG, MBA Geocon, Inc.

HYDROLOGY AND WATER QUALITY

Tyler G. Lawson, RCE Pasco Laret Suiter and Associates, Inc.

NOISE

Jeremy Loudon Ldn Consulting, Inc.

TRANSPORTATION

Intersecting Metrics

UTILITIES AND SERVICE SYSTEMS

Tyler Lawson, RCE Pasco, Laret, Suiter & Associates, Inc.

WILDFIRE

Herbert A. Spitzer FIREWISE 2000, LLC.
Mel Johnson FIREWISE 2000, LLC.

Executive Summary

No references cited.

1.0 Introduction

No references cited.

2.0 Project Description

ECORP Consulting, Inc (ECORP). 2022. Biological Technical Report for the Piraeus Point Project.

Encinitas, City of. 2016. San Dieguito Water District.

https://encinitasca.gov/Government/Departments/San-Dieguito-Water-District_

3.0 Environmental Analysis

No references cited.

3.1 Aesthetics

CCC (California Coastal Commission). 2019. Staff Recommendation on City of Encinitas Local Coastal Program Amendment No. LCP-6-Enc-19-0014-1 for Commission Meeting of June 12-14, 2019.

Caltrans (California Department of Transportation). n.d. California Scenic Highways - GIS Layer.

<https://www.arcgis.com/apps/mapviewer/index.html?layers=f0259b1ad0fe4093a5604c9b838a486a>.

ECORP. 2022. Biological Technical Report for the Piraeus Point Project.

Encinitas, City of. 1991. General Plan.

<https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622>.

_____. 2018. 2013-2021 General Plan Housing Element Update Environmental Assessment.

https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20June%202018/Encinitas%20HEU%20EA%20Full_061518.pdf.

Visual Concepts Lighting, Inc. 2022. Lighting Plan.

8.0 References**3.2 Air Quality**

Encinitas, City of. 1991. General Plan.

<https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622>.

_____. 2018. 2013-2021 General Plan Housing Element Update Environmental Assessment.

https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20June%202018/Encinitas%20HEU%20EA%20Full_061518.pdf.

Ldn Consulting, Inc. 2022a. Air Quality Assessment.

_____. 2022b. Health Risk Assessment.

Intersecting Metrics. 2022. Transportation Impact Study.

San Diego Air Pollution Control District. 2020. Attainment Status,

<https://www.sdapcd.org/content/sdc/apcd/en/air-quality-planning/attainment-status.html>.

3.3 Biological Resources

ECORP. 2022. Biological Technical Report for the Piraeus Point Project.

3.4 Cultural Resources

ECORP. 2022a. Cultural Resources Inventory and Evaluation Report for the Piraeus Point Project.

_____. 2022b. Biological Technical Report for the Piraeus Point Project.

Encinitas, City of. 1991. City of Encinitas General Plan.

<https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622>.

_____. 2018. 2013-2021 Housing Element Update Environmental Assessment.

https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20June%202018/Encinitas%20HEU%20EA%20Full_061518.pdf.

3.5 Energy Conservation and Climate Change

California Air Resources Board (CARB). 2008. Climate Change Scoping Plan.

https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/document/adopted_scoping_plan.pdf. Accessed August 4, 2022.

_____. 2017. California's 2017 Climate Change Scoping Plan.

https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf. Accessed August 4, 2022.

CEC (California Energy Commission). 2022. Final 2021 Integrated Energy Policy Report Volume IV California Energy Demand Forecast.

_____. 2016. Electricity Consumption by County.

<https://ecdms.energy.ca.gov/elecbycounty.aspx>.

City of Encinitas. 1991. General Plan.

<https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622>.

_____. 2018. 2013-2021 General Plan Housing Element Update Environmental Assessment.

https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20June%202018/Encinitas%20HEU%20EA%20Full_061518.pdf.

_____. 2021. Climate Action Plan.

https://encinitasca.gov/Portals/0/City%20Documents/Documents/City%20Manager/Climate%20Action/CAP_2_3_2021_final.pdf?ver=2021-02-03-151752-820. Accessed August 4, 2022.

CPUC (California Public Utilities Commission). 2022. Natural Gas and California.

http://www.cpuc.ca.gov/natural_gas/. Accessed August 12, 2022.

EIA (United States Energy Information Administration). 2022. California: Profile Analysis.

<https://www.eia.gov/state/analysis.php?sid=CA>.

Ldn Consulting, Inc. 2022. Greenhouse Gas Assessment.

San Diego Association of Governments (SANDAG). 2021. Regional Plan.

<https://sdforward.com/mobility-planning/2021-regional-plan>. Accessed August 4, 2022.

SDGE (San Diego Gas & Electric). 2022. About Us. <https://www.sdge.com/more-information/our-company/about->

8.0 References

us#:~:text=We%20distribute%20energy%20service%20to,Diego%20and%20southern%20Orange%20counties.

3.6 Geology and Soils

California Geological Survey (CGS). 2010. Fault Activity Map of California.

<http://maps.conservation.ca.gov/cgs/fam/>.

County of San Diego. n.d. Multi-jurisdictional Hazard Mitigation Plan.

https://www.sandiegocounty.gov/oes/emergency_management/oes_jl_mitplan.html.

Geocon, Inc. 2019. Consultation: Limits of Areas of Previous Grading Disturbance, Encinitas Apartments.

_____. 2022. Geotechnical Investigation.

San Diego Natural History Museum (SDNHM). 2022. Paleontological Records Search.

3.7 Hazards and Hazardous Materials

CalEPA (California Environmental Protection Agency). 2022. About Us.

<https://calepa.ca.gov/about/#:~:text=Our%20mission%20is%20to%20restore,and%20waste%20recycling%20and%20reduction>.

Cal Fire (California Department of Forestry and Fire Protection). n.d. FHSZ Viewer.

<https://egis.fire.ca.gov/FHSZ/>.

CalOES (California Governor's Office of Emergency Services). 2022. Hazardous Materials Business Plan Program. <https://calepa.ca.gov/hazardous-materials-business-plan-program/>.

DTSC (Department of Toxic Substances Control). 2020. EnviroStor database.

ECORP. 2022. Biological Technical Report.

Encinitas, City of. 1991. City of Encinitas General Plan.

<https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622>.

_____. 1995. General Plan Public Safety Element.

<https://archive.encinitasca.gov/WebLink/browse.aspx?startid=665622&cr=1>.

_____. 2005. Design Guidelines.

_____. 2011. General Plan Resource Management Element.

<https://archive.encinitasca.gov/WebLink/browse.aspx?startid=665622&cr=1>.

- _____. 2016. Emergency Preparedness - Respond. <https://encinitasca.gov/I-Want-To/Emergency-Preparedness/Respond>.
- _____. n.d. Fire Approaches and Evacuation Routes. <https://encinitasca.gov/Portals/0/City%20Documents/Documents/Fire%20%26%20Marine%20Safety/Emergency%20Preparedness/Fire%20Approaches%20and%20Evacuation%20Routes.pdf>.
- FIREWISE. 2022. Piraeus Point Fire Protection Plan.
- Geocon, Inc. 2021. Phase I and II Environmental Site Assessment Report.
- _____. 2022. Phase I Environmental Site Assessment Report.
- San Diego County. 2018. San Diego County Emergency Operations Plan.
- State Board of Forestry and Fire Protection and California Department of Forestry and Fire Protection. 2018. Strategic Fire Plan. https://osfm.fire.ca.gov/media/5590/2018-strategic-fire-plan-approved-08_22_18.pdf.
- SWRCB (State Water Resources Control Board). 2019. GeoTracker search. https://www.waterboards.ca.gov/water_issues/programs/ust/cleanup/.
- _____. 2022a. La Costa Chevron – LUST Cleanup Site (TO607302127). https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=TO607302127.
- _____. 2022b. Barrett American – LUST Cleanup Site (TO6019729886). https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=TO6019729886.

3.8 Hydrology and Water Quality

- Carlsbad Watershed Management Area Responsible Agencies. 2018. Project Clean Water. <https://projectcleanwater.org/watersheds/carlsbad-wma/>.
- CEMA (California Emergency Management Agency). 2009. Tsunami Inundation Map for Emergency Planning – Encinitas Quadrangle. June 1, 2009. https://www.conservation.ca.gov/cgs/Documents/Publications/Tsunami-Maps/Tsunami_Inundation_Encinitas_Quad_SanDiego.pdf.
- Encinitas, City of. 1991. General Plan. <https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622>.
- _____. 2016. Engineering Design Manual, Chapter 7: BMP Design Manual. <https://archive.encinitasca.gov/weblink8/0/doc/735600/Page1.aspx>.

8.0 References

- _____. 2017. Jurisdictional Runoff Management Program. January 2017.
- _____. 2018. 2013-2021 General Plan Housing Element Update Environmental Assessment. https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20June%202018/Encinitas%20HEU%20EA%20Full_061518.pdf.
- FEMA (Federal Emergency Management Act). 2021. FEMA Flood Map Service Center: Search by Address. FEMA Panel Number 06073C1033H effective December 2021. <https://msc.fema.gov/portal/search?AddressQuery=piraeus%20street%20encinitas%20california>.
- Geocon, Inc. 2022. Geotechnical Investigation.
- PLSA (Pasco Laret Suiter & Associates. 2023~~2~~a. Preliminary Hydrology Study.
- _____. 2023~~2~~b. Stormwater Quality Management Plan.
- San Diego County. 2020. San Diego County Sustainable Groundwater Management. <https://www.sandiegocounty.gov/pds/SGMA.html>.
- San Diego Regional Water Quality Control Board (SDRWCB). 2016. Water Quality Control Plan for the San Diego Basin.
- SDWD (San Dieguito Water District). 2020. Final Urban Water Management Plan.
- ### 3.9 Land Use and Planning
- California Coastal Commission (CCC). 2019. Staff Recommendation on City of Encinitas Local Coastal Program Amendment No. LCP-6-ENC-19-0014-1 for Commission Meeting of June 12-14, 2019. <https://documents.coastal.ca.gov/reports/2019/6/Th19c/th19c-6-2019-report.pdf>.
- Department of Housing and Community Development (HCD). 2019. Encinitas' 5th Cycle (2013-2021) Housing Element Compliance Status. <https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202019/Housing%20Plan%20Certification%2010-8-19.pdf>.
- Encinitas, City of. 1991. General Plan. <https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622>.

- _____. 2016. General Plan. Resource Management Element.
- _____. 2018. 2013-2021 General Plan Housing Element Update Environmental Assessment. https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20June%202018/Encinitas%20HEU%20EA%20Full_061518.pdf.
- _____.n.d. MyEncinitas Map. <https://myencinitas.encinitasca.gov/map/>.
- Geocon, Inc. 2019. Consultation: Limits of Areas of Previous Grading Disturbance, Encinitas Apartments.
- FIREWISE. 2022. Piraeus Point Fire Protection Plan.
- San Diego Association of Governments (SANDAG). 2011. 2050 Regional Transportation Plan. https://www.sandag.org/uploads/2050RTP/F2050rtp_all.pdf.
- _____. 2016. Regional Scale Smart Growth Concept Map. https://www.sandag.org/uploads/projectid/projectid_296_13994.pdf.

3.10 Noise

- Caltrans (California Department of Transportation). 2013. Technical Noise Supplement to the Traffic Noise Analysis Protocol.
- _____. 2020. Transportation and Construction Vibration Guidance Manual, Table 20, April 2020.
- ECORP Consulting, Inc. 2022. Biological Technical Report for the Piraeus Point Project.
- Encinitas, City of. 1991. City of Encinitas General Plan. <https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622>.
- _____. 2018. 2013-2021 General Plan Housing Element Update Environmental Assessment. https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20June%202018/Encinitas%20HEU%20EA%20Full_061518.pdf.
- EPA (U.S. Environmental Protection Agency). 1981. Noise Effects Handbook – A Desk Reference to Health and Welfare Effects of Noise.
- FHWA (Federal Highway Administration). 2006. Roadway Construction Noise Model (FHWA-HEP-05-054).

8.0 References

_____. 2011. Effective Noise Control During Nighttime Construction.

FTA (Federal Transit Administration). 2006. Transit Noise and Vibration Impact Assessment.

Intersecting Metrics. 2022. Transportation Impact Study.

Ldn Consulting, Inc. 2022. Noise Study.

3.11 Public Services and Recreation

California Department of Education. 2022. Data Quest, Search by: Level – School, Subject – Annual Enrollment Data, Time Frame – 2021-22, Capri.

<https://dq.cde.ca.gov/dataquest/page2.asp?level=School&subject=Enrollment&submit1=Submit>.

City of Encinitas. 1991. City of Encinitas General Plan.

<https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622>.

_____. 1995. General Plan Public Safety Element.

<https://archive.encinitasca.gov/WebLink/browse.aspx?startid=665622&cr=1>.

_____. 2003. General Plan Recreation Element.

<https://archive.encinitasca.gov/WebLink/DocView.aspx?id=835469&dbid=0&repo=CityofEncinitas>.

_____. 2016a. Draft Program Environmental Impact Report for At Home Encinitas, the City of Encinitas Housing Element Update, Encinitas, California. SCH # 2015041044.

_____. 2016b. Encinitas, California Parks, Beaches, Trails, and Open Space Master Plan. h

<https://encinitasca.gov/Portals/0/City%20Documents/Documents/Parks/Parks%20Master%20Plan/Encinitas%20Master%20Plan%2010%2010%2016%20Final%20Document%2010.20.16.pdf>.

_____. 2018. 2013-2021 Housing Element Update Environmental Assessment.

https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20June%202018/Encinitas%20HEU%20EA%20Full_061518.pdf.

_____. 2019. General Plan Land Use Element.

<https://archive.encinitasca.gov/WebLink/DocView.aspx?id=822446&dbid=0&repo=CityofEncinitas>.

_____. 2021. Public Safety. <https://encinitasca.gov/Government/Departments/Public-Safety>.

_____. 2021. 2021 Annual Report, Encinitas Solana Beach Del Mar Fire Departments.
https://encinitasca.gov/LinkClick.aspx?fileticket=9w2_q7B96CY%3d&portalid=0.

_____. 2022. Parks, Recreation & Cultural Arts.
<https://encinitasca.gov/Government/Departments/Parks-Recreation-Cultural-Arts>.

_____. n.d. MyEncinitas Map. <https://myencinitas.encinitasca.gov/map/>.

EUSD (Encinitas Union School District). 2022a. Our District. <https://www.eusd.net/our-district>.

_____. 2022b. SchoolSite Locator.
<https://portal.schoolsitelocator.com/apps/ssl/?districtcode=00600>.

_____. 2022c. Encinitas Union School District Facilities Master Plan 2020.
<https://lpamasterplans.com/encinitas-usd-fmp/>.

SANDAG (San Diego Association of Governments). 2020. Demographic and Socioeconomic Estimates - Jurisdiction: Encinitas.
https://datasurfer.sandag.org/download/sandag_estimate_2020_jurisdiction_encinitas.pdf.

San Diego County Sheriff's Department. 2022a. Patrol Stations – North Coastal Station.
<https://www.sdsheriff.gov/Home/Components/FacilityDirectory/FacilityDirectory/28/61>.

_____. 2022b. North Coastal Patrol Station City of Encinitas Monthly Review, March 2022.
<https://encinitasca.gov/Portals/0/City%20Documents/Documents/Law%20Enforcement/Encinitas%20Monthly%20Report%20MARCH%202022.pdf?ver=2022-05-19-120854-967>.

SDUHSD (San Dieguito Union High School District). 2022a. Our District.
<https://www.sduhsd.net/Our-District/index.html>.

_____. 2022b. SchoolSite Locator.
<https://portal.schoolsitelocator.com/apps/ssl/?districtcode=98324>.

3.12 Transportation

Encinitas, City of. 2018. General Plan Circulation Element.

EUSD (Encinitas Union School District). 2022. School Site Locator.
<https://portal.schoolsitelocator.com/apps/ssl/?districtcode=00600>.

8.0 References

Intersecting Metrics. 2023~~2~~. Transportation Impact Study.

OPR (Governor's Office of Planning and Research). 2018. Technical Advisory on Evaluation Transportation Impacts in CEQA.

SANDAG. 2002. (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region. https://www.sandag.org/uploads/publicationid/publicationid_1140_5044.pdf.

3.13 Tribal Cultural Resources

ECORP. 2022a. Cultural Resources Inventory and Evaluation Report for the Piraeus Point Project.

_____. 2022b. Biological Technical Report for the Piraeus Point Project.

Encinitas, City of. 1991. City of Encinitas General Plan.

<https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622>.

_____. 2018. 2013-2021 Housing Element Update Environmental Assessment.

https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20June%202018/Encinitas%20HEU%20EA%20Full_061518.pdf.

3.14 Utilities and Service Systems

Broadband Now. 2022. Internet Providers in Encinitas, CA.

<https://broadbandnow.com/California/Encinitas>.

CalRecycle (California Department of Resources Recycling and Recovery). 2019a. SWIS Facility/Site Activity Details: Otay Landfill (37-AA-0010).

<https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1790?siteID=2863>.

_____. 2019b. SWIS Facility/Site Activity Details: Sycamore Landfill (37-AA-0023).

<https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1798?siteID=2871>.

_____. 2019c. Disposal Rate Calculator.

<https://www2.calrecycle.ca.gov/LGCentral/AnnualReporting/DisposalRateCalculator>.

Encinitas, City of. 1991. General Plan.

<https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622>.

_____. 2016. San Dieguito Water District.

https://encinitasca.gov/Government/Departments/San-Dieguito-Water-District_

- _____. 2020. Climate Action Plan.
https://encinitasca.gov/Portals/0/City%20Documents/Documents/City%20Manager/Climate%20Action/CAP_2_3_2021_final.pdf?ver=2021-02-03-151752-820.
- EWA (Encina Wastewater Authority). n.d. About the Encina Wastewater Authority.
<https://www.encinajpa.com/about>.
- LWD (Leucadia Wastewater District). 2022. Project Facility Availability Form (Sewer).
- PLSA (Pasco Laret Suiter & Associates). 2022~~a~~. Preliminary Wastewater Report.
_____. ~~2022b~~2023. Preliminary Hydrology Study.
- San Diego Integrated Regional Water Management Group. 2019. Integrated Regional Water Management Plan. <http://sdirwmp.org/2019-irwm-plan-update>.
- SDWD (San Dieguito Water District). 2020. Final Urban Water Management Plan.
_____. 2022. Project Facility Availability Form (Water).
- ### 3.15 Wildfire
- Cal Fire (California Department of Forestry and Fire Protection). 2022. 2021 Statistics and Events. <https://www.fire.ca.gov/stats-events/>.
- _____. n.d. FHSZ Viewer. <https://egis.fire.ca.gov/FHSZ/>.
- _____. n.d.-a. Emergency Preparedness - Respond. <https://encinitasca.gov/I-Want-To/Emergency-Preparedness/Respond>.
- _____. 2016. Engineering Design Manual, Chapter 7: BMP Design Manual.
<https://archive.encinitasca.gov/WebLink/DocView.aspx?dbid=0&id=735600&page=1>.
- _____. n.d.-b. Fire Approaches and Evacuation Routes.
<https://encinitasca.gov/Portals/0/City%20Documents/Documents/Fire%20%26%20Marine%20Safety/Emergency%20Preparedness/Fire%20Approaches%20and%20Evacuation%20Routes.pdf>.
- _____. 2022. Fire Department - Fire Service Availability Letter.
- FIREWISE. 2022. Piraeus Point Fire Protection Plan.
- Geocon. 2022. Geotechnical Investigation.

8.0 References

San Diego County. 2018. San Diego County Emergency Operations Plan.

https://www.sandiegocounty.gov/content/sdc/oes/emergency_management/oes_jl_op_area.html.

4.0 Effects Found Not to Be Significant

California Department of Conservation (CDC), Division of Mine and Geology. 1996. Mineral Land Classification Map, Aggregate Resources Only.

California Department of Conservation (DOC). 2022. California Important Farmland Finder.

<https://maps.conservation.ca.gov/DLRP/CIFF/>.

ECORP. 2022. Cultural Resources Inventory and Evaluation Report for the Piraeus Point Project.

Encinitas, City of. 2019. Housing Element Update. <https://encinitasca.gov/Housing-Plan-Update-2019>.

5.0 Alternatives

Encinitas, City of. 2019. Housing Element Update. <https://encinitasca.gov/Housing-Plan-Update-2019>.

6.0 Other CEQA Considerations

No references cited.

7.0 Preparers and Persons Consulted

No references cited.