

# Summary Form for Electronic Document Submittal

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: \_\_\_\_\_

Project Title: Bella Vista Drive Project

Lead Agency: City of Encinitas

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Project Location: Encinitas San Diego  
*City* *County*

Project Description (Proposed actions, location, and/or consequences).

The project is a subdivision of a 10.11 gross-acre undeveloped lot utilizing the State of California Density Bonus Law (California Government Code Section 65915). The subdivision would create 17 residential lots for the future development of 17 single-family homes, and one private street lot. Of the 17 units, 15 would be market rate and two would be affordable at the "very low-income" level. The lot configurations for the project site vary in size between 8,364 square feet to 79,852. Development waivers are proposed as detailed in the Initial Study Checklist.

The project specifically includes grading and construction of a private cul-de-sac street and associated public improvements, stormwater, drainage, and utility improvements. The construction of single-family homes is not proposed as part of the project scope.

The subdivision also proposes an open space easement located at the eastern portion of the property and provides fuel modification zones adjacent to all future homes, and between the limits of grading and the open space easement area.

The components of the project include the following: planning applications; development waivers; access and roadways; grading and retaining walls; infrastructure improvements; fire protection measures; landscaping; and open space. All components are detailed in the Initial Study Checklist.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

The project was found to result in potentially significant impacts to aesthetics, biological resources, and cultural resources. Mitigation measures are required to reduce impacts to less than significant levels. The following is a summary of impacts and mitigation measures.

## **Aesthetics**

### **Scenic Quality**

Absent the benefit of individual development plans for the on-site residences, the project could degrade the scenic quality of the project area resulting in a potentially significant impact. Mitigation measure AES-1 would reduce potentially significant impacts to below a level of significance.

### **Mitigation Measure AES-1: Design Review**

Future development within the approved Tentative Map shall undergo review consistent with the Encinitas Municipal Code Chapter 23.08, Design Review. The design review process shall require a determination of compliance of future residential development projects with the provisions of the Encinitas Municipal Code, and the design review standards and guidelines of the City of Encinitas as well as other regulations regarding the physical development of the City [Section 23.08.101(A)(1)].

## **Biological Resources**

### **Sensitive Species and Habitats**

The project could result in significant indirect impacts to nesting birds within the open space easement should construction activity occur during the general bird breeding season. Mitigation measures BIO-1 and BIO-2 would reduce potentially significant impacts to below a level of significance.

### **Mitigation Measure BIO-1: Pre-construction Survey for Nesting Birds and Special-status Avian Species**

In order to prevent potential significant indirect impacts to breeding birds/raptors, if grading is proposed during the bird/raptor breeding season (January to July) then a pre-construction survey for active nests on-site and within 500 feet of the footprint shall be performed no more than three days prior to the initiation of construction. If an active nest is identified on-site, then grading shall be postponed until the nest is no longer active.

### **Mitigation Measure BIO-2: Temporary Construction Fencing**

Fencing along the limit of the open space shall be required during construction.

### **Wildlife Movement**

The project could result in significant indirect impacts to raptors and other migratory bird species within the open space if construction activity occurs during the general bird breeding season. Mitigation measures BIO-1 and BIO-2, detailed above, would reduce potentially significant impacts to below a level of significance.

### **Conflict with Habitat Conservation Plan**

The project could conflict with Encinitas Municipal Code Chapter 30.34 due to potential impacts to sensitive biological resources. Specifically, significant indirect impact could occur to raptors and other migratory birds nesting within the open space should construction activity occur during the general bird breeding season. Mitigation measures BIO-1 and BIO-2, detailed above, would reduce potentially significant impacts to below a level of significance.

## **Cultural Resources**

### **Archaeological Resources**

Although no archaeological resources were identified within the project site, the project is located near Los Batiqitos Lagoon, which is known to have been extensively exploited by the prehistoric population. Therefore, there remains a potential for buried cultural resources to be discovered during construction resulting in a potentially significant impact to archeological resources. Mitigation measures CR-1 through CR-6 would reduce potentially significant impacts to below a level of significance.

### **Mitigation Measure CR-1: Grading Monitor**

Prior to issuance of a grading permit, the applicant or owner and/or contractor shall provide a written and signed letter to the City's Director of Development Services stating that a qualified archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, as well as a traditionally and culturally affiliated (TCA) Native American monitor, have been retained at the applicant or owner and/or contractor's expense to implement the monitoring program, as described in the Pre-Excavation Agreement.

A copy of the letter shall be included in the grading plan submittals for the grading permit.

### **Mitigation Measure CR-2: Cultural Resources Monitoring and Treatment Plan**

The archaeologist shall prepare a Cultural Resources Monitoring and Treatment Plan (CRMTP) to the satisfaction of the lead agency. The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc.

### **Mitigation Measure CR-3: Pre-construction Cultural Resources Awareness Training**

A qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall provide pre-construction cultural resources awareness training to all construction personnel.

Training will include appropriate protocol following the unanticipated discovery of any archaeological deposits during construction. A qualified professional archaeologist shall be retained to monitor all ground disturbing activity associated with the project.

#### **Mitigation Measure CR-4: Implementation of CRMTP**

The CRMTP shall be conducted to provide for the identification, evaluation, treatment, and protection of any cultural resources that are affected by or may be discovered during the construction of the proposed project. The monitoring shall consist of the full-time presence of an archaeological monitor, who is a professional archaeologist working under the direction of the qualified archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, and a TCA Native American monitor for, but not limited to, any clearing or grubbing of vegetation; tree removal; demolition and/or removal of remnant foundations or pavements; abandonment and/or installation of infrastructure; grading or any other ground-disturbing or altering activities, including the placement of imported fill materials (note: all fill materials shall be absent of any and all cultural resources); and related road improvements. Other tasks of the monitoring program shall include the following:

1. The archaeological monitor and TCA Native American monitor shall attend all applicable pre-construction meetings with the contractor and/or associated subcontractors.
2. The archaeological monitor shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground-disturbing or altering activities, as identified above.
3. The archaeological monitor and/or TCA Native American monitor may halt ground disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, ground-disturbing activities shall be halted within a 50-foot radius of the discovery to allow a determination of potential significance, the subject of which shall be determined by the archaeological monitor and the TCA Native American monitor, in consultation with the San Luis Rey Band of Mission Indians, San Pasqual Band of Mission Indians, and Rincon Band of Luiseño Indians. Ground-disturbing activities shall not resume until the qualified archaeologist, in consultation with the TCA Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the discretion of the archaeological monitor, the location of ground-disturbing activities may be relocated elsewhere on the project to avoid further disturbance of cultural resources. The qualified archaeologist shall be called to evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgement. The following notifications shall apply, depending upon the nature of the find:
  - a. If the qualified archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required.
  - b. If the qualified archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, they shall immediately notify the City and landowner. The City shall consult on a finding of eligibility and implement appropriate treatment measures if the find is determined to be eligible for inclusion in the California Register of Historical Resources. Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the site is either:
    - 1) not eligible for the California Register of Historical Resources; or 2) the treatment measures have been completed to its satisfaction.
4. 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 data recovery is required, then the tribes that were consulted during the AB 52 process shall be notified and consulted in drafting and finalizing any such recovery plan.
5. The archaeological monitor and/or TCA Native American monitor may also halt ground disturbing activities around known archaeological artifact deposits or cultural features if, in their respective opinions, there is the possibility that they could be damaged or destroyed.
6. If the find includes human remains, or remains that are potentially human, the archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeological monitor shall notify the San Diego County Medical Examiner's Office (per §7050.5 of the Health and Safety Code). The provisions of §7050.5 of the California Health and Safety Code, §5097.98 of the

California PRC, and AB 2641 will be implemented. If the medical examiner determines the remains are Native American and not the result of a crime scene, they will notify the NAHC, who then will designate a Native American Most Likely Descendant (MLD) for the project (§5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, NAHC may mediate (§5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§5097.98 of the PRC). This will also include recording the site with the NAHC or the appropriate information center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county agency in which the property is located (AB 2641). Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the treatment measures have been completed to its satisfaction.

**Mitigation Measure CR-5: Pre-excavation Agreement**

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

**Mitigation Measure CR-6: Final Monitoring Report**

A final monitoring report documenting the field and analysis results and interpreting any discovered artifact and research data obtained during the monitoring phase shall be completed and submitted to the satisfaction of the lead agency prior to the issuance of any building permits. The report will include Department of Parks and Recreation Primary and Archaeological Site Forms if applicable and will also be provided to any consulting tribe.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

No known areas of controversy,

Provide a list of the responsible or trustee agencies for the project.

None.