



Initial Study/Mitigated Negative Declaration

City of Encinitas, California

Verdi Avenue Pedestrian Rail
Undercrossing Project

Planning Case No. Multi-003985-2020

March 2025



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Environmental Checklist Form

1. **Project title:** Verdi Avenue Pedestrian Rail Undercrossing Project
2. **Lead Agency name and address:** City of Encinitas, 505 South Vulcan Avenue, Encinitas, California 92024
3. **Contact person and phone number:** Fran Carr, Planner IV, (760) 633-2738
4. **Project location:** The primary improvements associated with the project are located in the railroad right-of-way (ROW) near the Cardiff community in the City of Encinitas, generally between Verdi Avenue and Liszt Avenue. The project includes other minor improvements outside of the ROW in the vicinity of the proposed undercrossing.
5. **Project sponsor's name and address:** City of Encinitas, 505 South Vulcan Avenue, Encinitas, California 92024
6. **General Plan designation:** TC (Transportation Corridor), R11 (Residential 11), ER/OS/PK (Ecological Reserve/Open Space)
7. **Zoning:** TC (Transportation Corridor), R11 (Residential 11), ER/OS/PK (Ecological Reserve/Open Space), Coastal Overlay Zone
8. **Description of project:** The project involves construction of a new pedestrian/bicycle railroad undercrossing with ancillary infrastructure improvements to facilitate safe and legal east/west pedestrian and bicycle access.
9. **Surrounding land uses and setting:** Surrounding land uses include railroad ROW to the north and south, San Elijo Avenue and single-family residences to the east, and South Coast Highway 101 and San Elijo State Beach to the west.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** The City of Encinitas is the CEQA lead agency. Approvals by North County Transit District (NCTD) and the California Public Utilities Commission may be required to implement the project.

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? The City of Encinitas Development Services Department mailed and emailed an Assembly Bill 52 (AB 52) consultation notification to the San Luis Rey Band of Mission Indians on November 12, 2019. The San Luis Rey Band of Mission Indians completed tribal consultation for the first version of the cultural mitigation measures on January 27, 2020. On August 3, 2023, the City of Encinitas Development Services Department reinitiated AB 52 consultation and resent notifications via US Mail and by email to all tribal contacts in San Diego County (27 contacts in total).

The Viejas Band of Kumeyaay Indians provided questions via email on August 22, 2023. City staff responded to the questions on August 24, 2023. On September 8, 2023, the Native American tribe responded that no further consultation on the project would be needed. On October 27, 2023, the San Pasqual Band of Mission Indians requested tribal consultation. The

Rincon Band of Luiseño Indians requested tribal consultation on November 2, 2023. City staff provided project information to both the San Pasqual Band of Mission Indians and the Rincon Band of Luiseño Indians on November 3, 2023. Between November 2023 and February 2024, City staff worked with the San Pasqual Band of Mission Indians, the Rincon Band of Luiseño Indians, and the San Luis Rey Band of Mission Indians on modified cultural resource mitigation measures for the project. AB 52 consultation concluded on March 5, 2024. Refer to Section XVIII, Tribal Cultural Resources for further discussion.

Introduction

The Initial Study/Mitigated Negative Declaration (IS/MND) was prepared by HDR for the City of Encinitas (City) to evaluate potential environmental effects of the Verdi Avenue Pedestrian Rail Undercrossing Project (project). This document was prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code §21000 et seq., and the State CEQA Guidelines, California Code of Regulations §15000 et seq; and conforms to the content requirements under CEQA Guidelines §15071.

Project Background and Prior CEQA Clearance

A. Project Background

The purpose of the project is to provide a safe and legal railroad crossing through the railroad ROW owned and operated by the North County Transit District (NCTD) in the Cardiff community.

Throughout the City, there are insufficient public crossings of the railroad corridor which compromises multimodal connectivity, community cohesion, and quality of life. The high volume of trespassing incidents and fatalities that occur within the railroad ROW, and at the project site specifically, impacts the system and service performance, reliability, and transit time for passengers on Amtrak Pacific Surfliner intercity trains and Coaster commuter trains. The project will address these challenges via construction of a new public undercrossing that will greatly enhance public and railway operating safety; improve passenger rail system and service performance and reliability; promote integrated and efficient multimodal connectivity with existing and future roadways, trails, sidewalks, and transit services; and improve connections of local beach areas to other residential, commercial, and recreational areas in the community.

Currently pedestrians cannot legally cross the railroad tracks at Verdi Avenue, and pedestrians routinely trespass onto NCTD property to cross the railroad tracks. The need for safe pedestrian crossings through Encinitas (and specifically at this location) has been well documented in various planning documents over the recent years; and most recently in the February 2018 Rail Corridor Vision Study (WSP 2018), a component of the Coastal Mobility and Livability Study. The project will increase safety by providing the Cardiff community a safe and legal railroad crossing which will be important as train volumes along the Los Angeles, -San Diego, and -San Luis Obispo railroad corridor continue to increase in order to meet the demands of the transportation network between San Diego and Los Angeles counties.

B. Project Background/Prior CEQA Clearance

Currently Proposed Verdi Avenue Pedestrian Rail Undercrossing Project

Due to the planning, development, and construction of the Coastal Rail Trail (CRT) in Cardiff, as well as feedback from the community and stakeholders based on the policy and prioritization set forth in the Rail Corridor Vision Study, the preliminary design and specific location of the previously approved Montgomery Avenue crossing was reconsidered. In November 2017, the Coastal Mobility and Livability Working Group recommended to the City Council to move the Montgomery Avenue crossing approximately 870 feet north to Verdi Avenue and designate the Verdi Avenue Pedestrian Rail Undercrossing Project as a high priority new crossing in the City.

The project as currently proposed is similar to the previously approved Montgomery Avenue crossing, although design was optimized based on community input, and the City's desire for enhanced connectivity with regional multimodal improvements (i.e., CRT).

Previously Approved Montgomery Avenue Crossing

In 2008, the City prepared an IS/MND for three grade separated pedestrian crossings under the railroad ROW at El Portal Street, Santa Fe Drive, and Montgomery Avenue¹ (State Clearinghouse Number 2008031074). The City served as the CEQA lead agency for the Encinitas Grade Separated Pedestrian Crossings Project. The Draft IS public review period extended from March 14, 2008, through April 15, 2008. A total of four parties commented on the Draft IS. The Final IS/MND was adopted by the City on December 18, 2008; and adopted by the California Department of Transportation on January 20, 2011.

As part of the prior environmental clearance, the City prepared the following technical studies addressing the three pedestrian crossings:

- Visual Impact Assessment (Helix Environmental Inc. 2006)
- Natural Environment Study (Helix Environmental Inc. 2007)
- Archaeological Survey Report (Affinis 2005, revised 2006) and Historic Property Survey Report (Affinis 2006)
- Preliminary Geotechnical Investigation (Diaz-Yourman & Associates February 2006)
- Hazardous Waste Initial Site Assessment was completed (Ninyo & Moore April 2006)
- Hydrology/Hydraulics Reports (Hanson Wilson, Inc. 2007)
- Noise Analysis Report (Kimley-Horn and Associates, Inc. 2007)
- Traffic Operations Report (Wilson & Company 2008)

¹ The Montgomery Avenue pedestrian crossing location is approximately 870 feet south of the Verdi Avenue project site.

Impacts associated with the following resource areas were found to have no impact in the Final IS/MND:

- Agricultural Resources
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation

Impacts associated with the following resource areas were found to be less than significant in the Final IS/MND:

- Aesthetics
- Air Quality
- Geology and Soils
- Hydrology and Water Quality
- Noise
- Transportation/Traffic
- Utilities and Service Systems

Impacts associated with the following resource areas were found to be less than significant with implementation of mitigation measures in the Final IS/MND:

- Biological Resources
- Cultural Resources (Paleontological Resources)
- Hazards and Hazardous Materials

Four of the five mitigation measures listed in the Final IS/MND that are applicable to the Montgomery Avenue Crossing location; are summarized below:

- Biological Resources
 - Mitigation Measure 1 – Compensatory mitigation for impacts on 0.11 acre of Diegan coastal sage scrub habitat at a 2:1 ratio, for a total of 0.22 acre
 - Mitigation Measure 3 – Compensatory mitigation for impacts on 0.02 acre of waters of the U.S./streambed jurisdictional areas at a 1:1 ratio (via creation), for a total of 0.02 acre
- Cultural Resources (Paleontological Resources)
 - Mitigation Measure 4 – Full-time paleontological monitoring during original cutting in undisturbed portions of the Linda Vista, Torrey Sandstone or Del Mar formations on the project site, and implementation of a Paleontological Monitoring and Recovery Program
- Hazardous Materials

- Mitigation Measure 5 – Soil Sampling prior to construction

The biological resources mitigation measures are no longer applicable due to the change in project location.

C. Project Location

The project is located in the Cardiff community generally between Verdi Avenue and Liszt Avenue in the City of Encinitas (Figure 1, Regional Vicinity and Project Location). The project site (synonymous with project footprint) is approximately 4.06 acres located primarily within the railroad ROW owned by NCTD, and also includes portions of adjacent City streets (San Elijo Avenue and South Coast Highway 101).

A 1.3-mile segment of the CRT was recently constructed through the project site parallel and to the east of the railroad tracks. The CRT project site is approximately 870 feet north of the Montgomery Avenue pedestrian crossing location previously approved with the Encinitas Grade Separated Pedestrian Crossings Project.

Surrounding land uses include:

- North – railroad ROW. The undercrossing at Santa Fe Drive located 0.66 mile to the north of the project site provides a safe and legal railroad crossing.
- East – San Elijo Avenue; the land across San Elijo Avenue is occupied by single-family residences.
- South – railroad ROW. Chesterfield Drive is located 0.66 mile to the south of the project site provides a safe and legal railroad crossing.
- West – South Coast Highway 101; the land across South Coast Highway 101 is occupied by San Elijo State Beach.

D. Project Description

The project would provide a safe and legal railroad crossing between San Elijo Avenue and South Coast Highway 101 (Figure 2, Major Project Components). The proposed pedestrian undercrossing would be beneficial to the area, as it would allow for pedestrians and bicyclists to continue their travel unimpeded and reduce the frequency where pedestrians and bicyclists interact with trains at this location. In addition, the proposed pedestrian undercrossing would eliminate the need for at-grade drop-down safety gates which would be required if constructed at-grade.

A summary of the major project components and design elements is provided below:

- *Railroad Undercrossing* – The project includes a new three-span double-track undercrossing structure within the NCTD railroad ROW (perpendicular to the tracks) at approximately Milepost 239.3. The undercrossing includes a 10-foot-wide paved pathway, ramp, and stairs connecting to the paths of travel east of the railroad, and sidewalks connecting to South Coast Highway 101 west of the railroad.
- *Landscaping and Planting* – The proposed landscaping would resemble a unified palette that blends well with the appearance of recently completed undercrossing projects to the north of the project site (Santa Fe and El Portal crossings) and the adjacent CRT project. The proposed plant material would consist of California native plants. The design guidelines for the CRT established

by the Coastal Mobility and Livability Working Group were considered to achieve a seamless transition where the two projects adjoin.

- *Hardscape Elements* – The project theme would be “Land,” similar to the previously approved theme for the Montgomery Avenue crossing and include hardscape features that emphasize the coastal bluffs that occur within the City’s coastline (Figure 3, Project Design Elements). The project includes 10-foot-wide meandering pathways, new retaining walls, garden walls, and public art on the walls of the undercrossing that would complement the existing natural coastal environment and community aesthetics. Community input has been received through project specific outreach events where over 60 residents came to express their views.

Proposed hardscape features would include earth-tone colored concrete along the pedestrian ramps, a steel grate pathway with cobble and rip rap under the railroad tracks, stone facade at the access points on both sides of the undercrossing, and Americans with Disabilities Act ramps and stair access. Decorative garden walls would incorporate a special treatment to emulate natural bluff layers.

- *Fencing* – To promote use of the undercrossing, 4-foot-high post and cable fencing would be installed along the western perimeter of the railroad ROW for a distance to be determined by California Public Utilities Commission. On the east side of the tracks, fencing will tie into the CRT fencing already in place.
- *Lighting* – The project would include 70-watt, high pressure sodium lights mounted on 42-inch high bollards along the meandering pathways and near the undercrossing entrances, 25-watt fluorescent step lights mounted to the railings along pedestrian ramps, and 100-watt high pressure sodium fixtures mounted below the undercrossing bridge. Lighting at the undercrossing would consist of a ceiling mounted fixture that is vandal resistant. Lighting would primarily consist of footpath lighting for pedestrian safety with most lighting in the tunnel and are not anticipated to impact residential land uses on San Elijo Avenue.
- *New Crosswalks* – The project includes new 15-foot-wide yellow crosswalks located at the intersections of San Elijo Avenue/Verdi Avenue and San Elijo Avenue/Liszt Avenue that would direct pedestrians and bikers to enhanced entry points to the project site. These paths of travel would allow pedestrians and bikers to cross the surface features, fencing, and the segment of the CRT through the project site. The project also includes new 20-foot wide white crosswalks along the north and southbound lanes of South Coast Highway 101 that would be compatible with existing and planned bike lanes. Crosswalks along South Coast Highway 101 would be protected by a mid-block, pedestrian activated signal and associated crosswalk infrastructure.
- *Grading and Drainage* – The project includes 2:1 manufactured slopes throughout the project site with new retaining walls up to 10 feet in height. The project would increase impervious surface area by approximately 15,025 square feet and require 4,793 cubic yards of cut and 1,274 cubic yards of fill; thereby resulting in a total net export of approximately 3,518 cubic yards of soil.

New drainage infrastructure and permanent Best Management Practices are proposed to withstand the concentrated flow from Verdi Avenue and the existing trackside ditch through the project limits. Storm drain design would adhere to the guidelines set forth in Chapter 6 of the City of Encinitas Engineering Design Manual dated October 2009. Proposed drainage infrastructure is described below:

- A 30-inch reinforced concrete pipe storm drain system is proposed to drain flows entering the proposed catch basin on San Elijo Avenue. This storm drain system is proposed to turn south and run under the CRT, where it would join with the flows from the existing track side ditch.
- A 5-foot by 3-foot reinforced concrete box culvert is proposed to route the existing track ditch flows through the project site. A headwall is proposed where the existing track ditch would be discharged. The flow from the 30-inch reinforced concrete pipe storm drain would join with the track ditch flow in the reinforced concrete box culvert under the CRT. Once the reinforced concrete box culvert crosses the southern access ramp down to the underpass the reinforced concrete box culvert would turn and outlet into the track ditch.
- Trackside ditches are proposed where necessary to prevent on-site and off-site drainage into the ballast area. Lined ditches are proposed only where space was limited or slope or velocity constraints require their use.
- A 21-foot-long catch basin in a sump condition is proposed on San Elijo Avenue at the outlet of the existing -cross gutter at Verdi Avenue. A 21-foot-long catch basin, with a 4-foot depth is proposed.
- A pump station is proposed to capture runoff tributary to the undercrossing and divert this water into the reinforced concrete box culvert used to divert the trackside ditch and Verdi Avenue runoff. An 18-inch reinforced concrete pipe is proposed to convey runoff from the pumps to the proposed reinforced concrete box culvert under the CRT.
- An articulated concrete block ditch is proposed south of the underpass to prevent erosion and protect against higher velocities.

The proposed facilities would be sized to convey runoff and protect the undercrossing during a 100-year storm event. The 100-year storm event meets NCTD design requirements and would maintain -long-term functionality of the undercrossing. Water quality Best Management Practices would be incorporated into proposed infrastructure. The infiltration trenches constructed as part of the CRT would be reconstructed, or the associated water quality volumes will be incorporated into proposed Best Management Practices.

Construction Activities

The majority of construction would occur Monday through Saturday between 7:00 a.m. and 7:00 p.m. in conformance with the Encinitas Municipal Code. However, to minimize disruption of passenger train operations, construction work for placement of the undercrossing beneath the tracks would occur during weekend nighttime hours (between 12:00 a.m. Saturday and 5:00 a.m. Monday). In order to allow limited nighttime construction, a variance from the Encinitas Municipal Code is required. Construction activities could extend over a duration of up to 1.5 years.

Anticipated construction equipment would include one or more of the following: excavator, front-end loader, hydraulic crane, drill rig with 24-inch-diameter auger, dump trucks, concrete ready-mix trucks, flatbed trucks, forklift, roller compactor, concrete boom pump, generators, compressors, welding machine, track tamper, regulator, and swivel dump.

Construction staging would occur on site within temporary work areas. It is anticipated that the project would encompass the following activities over a duration of one year.

- *Nighttime Activities* – It is anticipated that any nighttime construction required would be completed over four consecutive Saturday and Sunday nights (a total of two weekends). Bridge construction would begin with the drilling of holes and placement of H Piles. Once the piles are dropped in place, a maintenance window would be scheduled to take the track out of service over a weekend in order to allow for installation of the bridge caps and superstructure. This weekend work would be continuous over a 54-hour period and would include 3 nights. The existing track would be cut, ballast would be removed, and piles would be uncovered to allow the piles to be trimmed to the bottom of cap elevation. Prefabricated abutments and caps would then be placed on top of the piles and welded into place followed by installation of the prefabricated superstructure over the pile caps and placement of deck plates and handrail assemblies. Finally, abutments would be backfilled and the track and ballast that was removed would be replaced.
- *Daytime Activities* – Once the bridge has been installed and the track has been restored to service, the undercrossing would be excavated, and the pedestrian path and other design features would be constructed during normal weekday hours.

Figure 2 depicts the project elements and associated permanent impact areas/temporary work areas that occur within the 4.06-acre project footprint.

Best Management Practices

The following best management practices (BMPs) are considered to be part of the project and would be implemented by the City of Encinitas to reduce the potential for significant environmental impacts to occur. The following BMPs are anticipated to be incorporated into the provisions of the Design Review Permit and Coastal Development Permit via conditions of approval:

BMP AQ-1 Dust Emissions: Construction related activities would result in short term particulate matter less than 2.5 microns (PM_{2.5}) emissions; however, standard construction protocols are anticipated to be followed by the contractor so violations with air quality standards of the San Diego Air Pollution Control District would not occur. In order to minimize dust emissions, all active grading areas would be watered at least twice per day, as required by San Diego Air Pollution Control District Rule 55, which requires that visible dust emissions do not extend beyond the property line for more than 3 minutes in any 60-minute period.

BMP BIO-1 Environmentally Sensitive Area (ESA) Fencing: ESA fencing shall be placed along the perimeter of the project footprint. Prior to vegetation clearing, the boundary of the project footprint shall be marked clearly in the field by the construction contractor and the City shall retain the services of a qualified biologist to confirm the limits of work. The marked boundaries will be maintained throughout the duration of construction. Staging areas, including lay down areas and equipment storage areas shall be flagged and fenced with ESA fencing.

No work activities, materials, or equipment storage or access shall be permitted outside of the project footprint. All parking and equipment storage areas associated with the project shall be confined within the project footprint or to previously disturbed offsite areas. Undisturbed areas and off-site species habitat shall not be used for parking or equipment storage. Project-related vehicle traffic shall be restricted to the railroad, established roads, construction areas, storage areas, and staging and parking areas.

BMP BIO-2 Migratory Birds: When feasible, removal of nesting habitat shall occur outside of the bird breeding season. The bird breeding season generally extends from February 15 through August 31. If nesting habitat must be removed during the bird breeding season, the City shall retain the

services of a qualified biologist to conduct pre-construction nest surveys within 7 days prior to vegetation clearing activities. If active nests are observed, an appropriate buffer would be determined by the project biologist, and a “no work zone” shall be established until the nest is abandoned or the young have fledged.

BMP HAZ-1 Health and Safety Plan: The construction contractors shall develop and maintain compliance with a Health and Safety Plan for earthwork activities. The Health and Safety Plan shall consider the soil analytical data collected for the San Elijo Double Track Project and the construction contractor shall be made aware of the low potential for exposure of soil contaminants in the project area. The Health and Safety Plan shall be developed in accordance with applicable Occupational Safety and Health Administration requirements and acknowledgement of potential contaminants at or near the project site.

BMP HAZ-2 Discovery Process for Unidentified Hazardous Materials: The construction contractor shall immediately stop subsurface activities in the event that previously unidentified, potentially hazardous materials are encountered, or significantly stained soil is found during construction. Contractors shall follow applicable regulations regarding discovery and response for hazardous materials encountered during the construction process.

BMP NOI-1 Noise Control Plan: The construction contractor shall maintain compliance with City of Encinitas Municipal Code Chapter 9.32, Noise Abatement and Control. For construction activities that occur outside of the times prescribed by the City, a noise variance application and permit shall be obtained from the City. The noise variance application shall include the provision of a noise control plan to be evaluated and approved by the City’s noise control officer. The noise control plan and conditions of the noise permit shall be implemented by the construction contractor during the construction phase of the project to minimize construction noise, particularly during proposed nighttime construction activities. The plan would include some or all of the following provisions, which would be specified in the construction contract documents (project specifications) as well as the noise permit obtained from the City:

- Construct temporary enclosures around noise -producing stationary sources, such as generators used for night lighting.
- Select equipment capable of performing the necessary tasks with the lowest sound level and lowest acoustic height possible.
- Implement alternatives to the standard backup beepers on construction equipment such as strobe lights or broadband sound systems.
- Use specially quieted equipment, such as quieted and enclosed air compressors and properly working manufacturer -recommended mufflers on all engines.
- Perform construction vehicle maintenance off site or between 7:00 a.m. and 7:00 p.m.
- Place the laydown area within the project limits as far as possible from the closest noise sensitive receptor.
- Limit the delivery of construction materials (with the exception of concrete) to the hours between 7:00 a.m. and 7:00 p.m.

- Distribute public information and complaint response procedures to the community no less than 5 days prior to the start of construction. The notification would include a brief description of the construction activities, the hours of construction, the procedures for handling public complaints and inquiries, and a contractor and City contact.

Mitigation Measures

The following mitigation measures (MM) are proposed and would be implemented by the City of Encinitas to reduce the potential for significant environmental impacts to occur. The following mitigation measures are anticipated to be incorporated into the provisions of the Coastal Development Permit via conditions of approval:

MM CUL 1 Cultural Resources: Due to the potential for uncovering unknown subsurface archaeological resources, including Native American tribal cultural resources, cultural resource mitigation monitoring shall be undertaken for any and all on-site and off-site ground disturbing activities. If on-site and/or off-site ground disturbing activities (e.g., exploratory trenching or excavations) are required for any informal or formal solicitation (written or spoken) of construction bids or similar requirements, all applicable requirements identified in mitigation measures CUL-2 to CUL-8 shall be undertaken by the City and/or contractor.

MM CUL-2 Cultural Resources: A Cultural Resource Mitigation Monitoring Program shall be conducted to provide for the identification, evaluation, treatment, and protection of any cultural resources that are affected by or may be discovered during the construction of the project. The monitoring shall consist of the full-time presence of a qualified archaeologist and a traditionally and culturally affiliated (TCA) Native American monitor from San Pasqual Band of Mission Indians for, but not limited to, all grading, clearing, grubbing, trenching, and construction activities, and related road improvements. Other tasks of the monitoring program shall include the following:

1. The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc.
2. The qualified archaeologist and TCA Native American monitor shall attend all applicable pre-construction meetings with the Contractor and/or associated Subcontractors.
3. The qualified archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing or altering activities, as identified above.
4. The qualified archaeologist and/or TCA Native American monitor may halt ground disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, ground disturbing activities shall be directed away from these deposits for a short time to allow a determination of potential significance, the subject of which shall be determined by the qualified archaeologist and the TCA Native American monitor, in consultation with the San Pasqual Band of Mission Indians ("San Pasqual Band"). Ground-disturbing activities shall not resume until the qualified archaeologist, in consultation with the TCA Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected. The cultural resource or feature shall remain in place on site or shall be repatriated to a designated 5-foot by 5-foot area on-site, where Tribal Cultural resources will not be disturbed, in consultation with the San Pasqual Band of Mission Indians. At the discretion of the qualified archaeologist, the location of ground disturbing activities may be relocated elsewhere on the project site to avoid further disturbance of cultural resources.

5. The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the project. If avoidance is not feasible, a Data Recovery Plan may be authorized by the City as the lead agency under CEQA. If a data recovery is required, then the San Pasqual Band shall be notified and consulted in drafting and finalizing any such recovery plan. A copy of the recovery plan and the final data recovery survey report are to be provided to the Rincon Band of Luiseño Indians.
6. The qualified archaeologist and/or TCA Native American monitor may also halt ground disturbing activities around known archaeological artifact deposits or cultural features if, in their respective opinions, there is the possibility that they could be damaged or destroyed.

MM CUL-3 Cultural Resources: Prior to the issuance of a grading permit, and subject to approval of terms by the City, the applicant or owner, and/or contractor shall enter into a Pre-Excavation Agreement with the San Pasqual Band of Mission Indians. A signed copy of the Pre-Excavation Agreement shall be provided to the Development Services Department prior to grading permit issuance. The purpose of this agreement shall be to formalize protocols and procedures between the applicant or owner, and/or Contractor, and the San Pasqual Band for the protection and treatment of, but not limited to, such items as Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through the cultural resource mitigation monitoring program in conjunction with the construction of the project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, soil surveys, grading, or any other ground disturbing activities.

MM CUL-4 Cultural Resources: Prior to the issuance of a grading permit, the applicant or owner, and/or contractor shall provide a written and signed letter to the City's Director of Development Services, stating that a City-approved qualified archaeologist and a TCA Native American monitor with the San Pasqual Band of Mission Indians have been retained at the City and/or contractor's expense to implement the monitoring program, as described in the Pre-Excavation Agreement. A copy of the letter shall be included in the grading plan submittals for the grading permit.

MM CUL-5 Cultural Resources: Prior to the issuance of a grading permit, and in order for potentially significant archaeological artifact deposits and/or cultural resources to be readily detected during mitigation monitoring, a written "Controlled Grade Procedure" shall be prepared by a qualified archaeologist, in consultation with the TCA Native American monitor, the San Pasqual Band, and the City, subject to the approval of the Development Services Director. The Controlled Grade Procedure shall establish requirements for any ground disturbing work with machinery occurring in and around areas the qualified archaeologist and TCA Native American monitor determine to be sensitive through the cultural resource mitigation monitoring process. The Controlled Grade Procedure shall include, but not be limited to, appropriate operating pace, increments of removal, weight and other characteristics of the earth disturbing equipment. A copy of the Controlled Grade Procedure shall be included in the grading plan submittals for the grading permit.

MM CUL-6 Cultural Resources: 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 Director of Development Services for approval. A copy of the final Monitoring Report and/or Evaluation Report is to be provided to the Rincon Band.

MM CUL-7 Cultural Resources: The landowner shall relinquish ownership of all tribal cultural resources collected during the cultural resource mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the San Pasqual Band for respectful and dignified treatment and disposition, including reburial onsite, 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.

MM PAL-1 Paleontological Resources: Prior to commencement of grading activities, the project contractor shall implement a paleontological monitoring and recovery program consisting of the following:

- a. The project contractor shall retain the services of a qualified paleontologist. A qualified paleontologist is defined as an individual having an M.S. or Ph.D. degree in paleontology or geology, and who is a recognized expert in the identification of fossil materials and the application of paleontological recovery procedures and techniques. A paleontological monitor is defined as an individual having experience in the collection and salvage of fossil materials. The paleontological monitor shall work under the direction of a qualified paleontologist.
- a. The qualified paleontologist shall attend the project pre-construction meeting to consult with the grading and excavation contractors concerning the grading plan and paleontological field techniques.
- b. The qualified paleontologist or paleontological monitor shall be on site on a full-time basis during the original cutting of previously undisturbed portions of the underlying Linda Vista, Torrey Sandstone or Del Mar formations. 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.
- c. 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.
- d. 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.
- e. 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.
- f. A final summary report outlining the results of the mitigation program shall be prepared by the qualified paleontologist and submitted to the City of Encinitas 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.

E. Figures

Figure 1. Regional Vicinity and Project Location

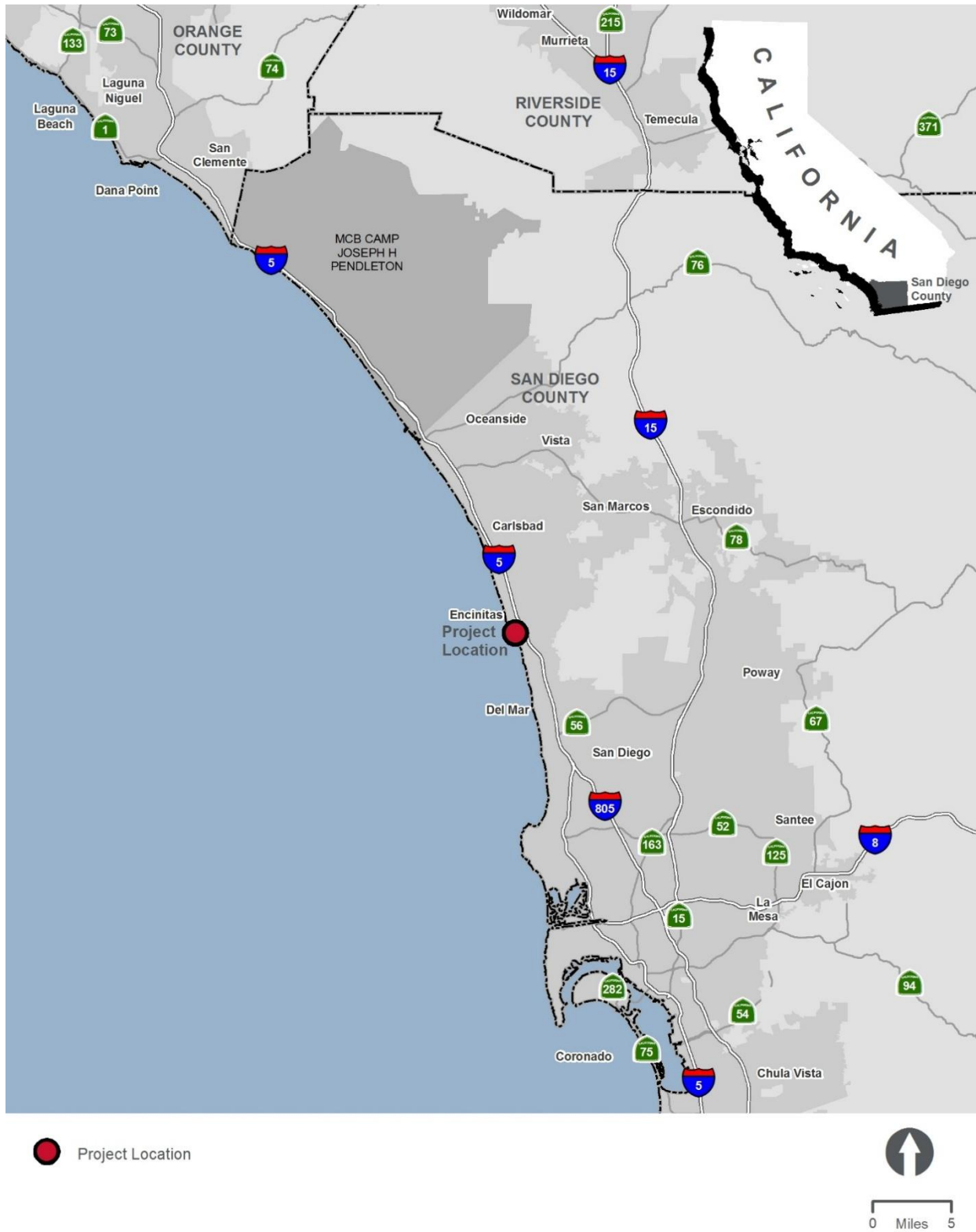
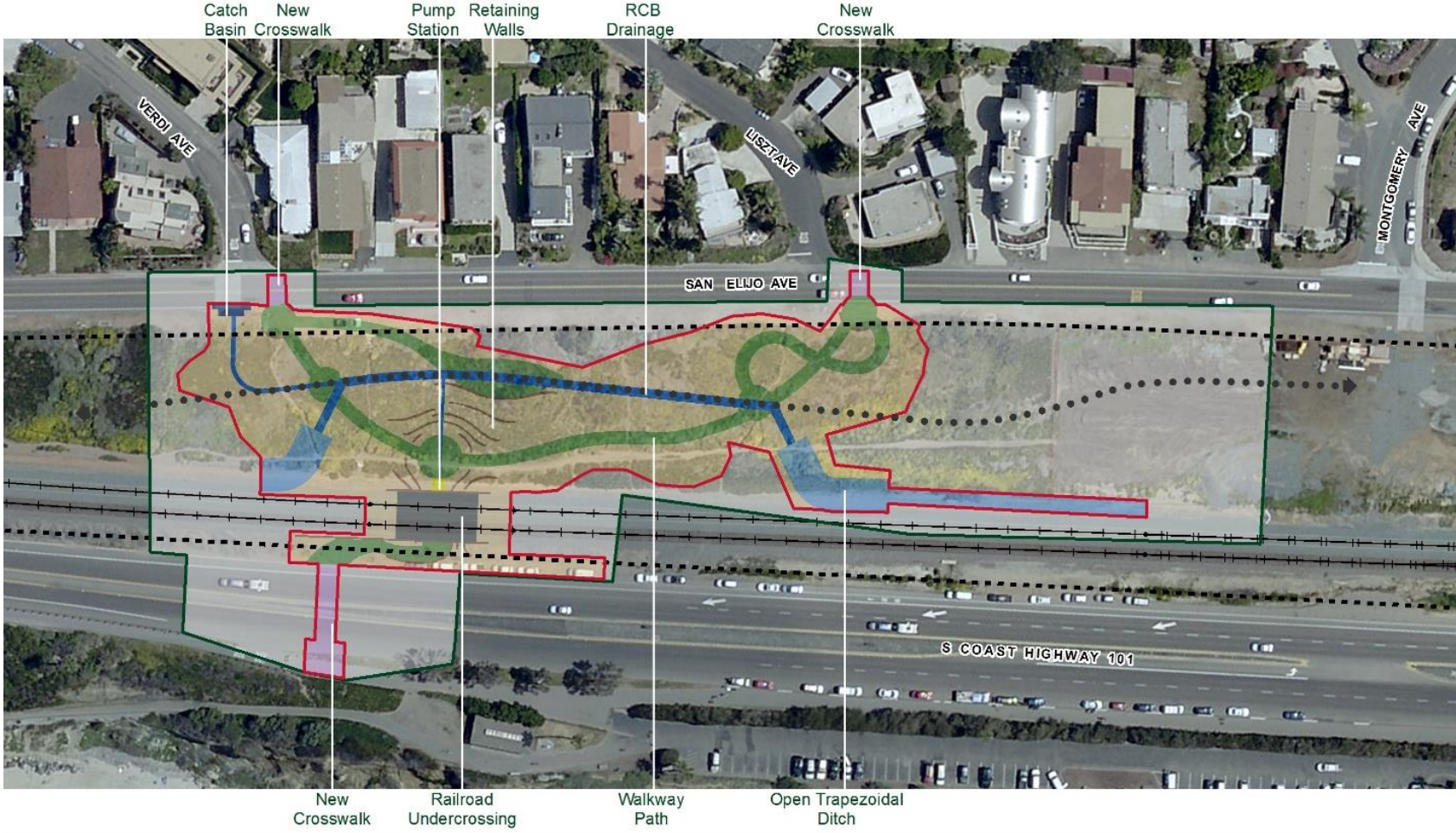


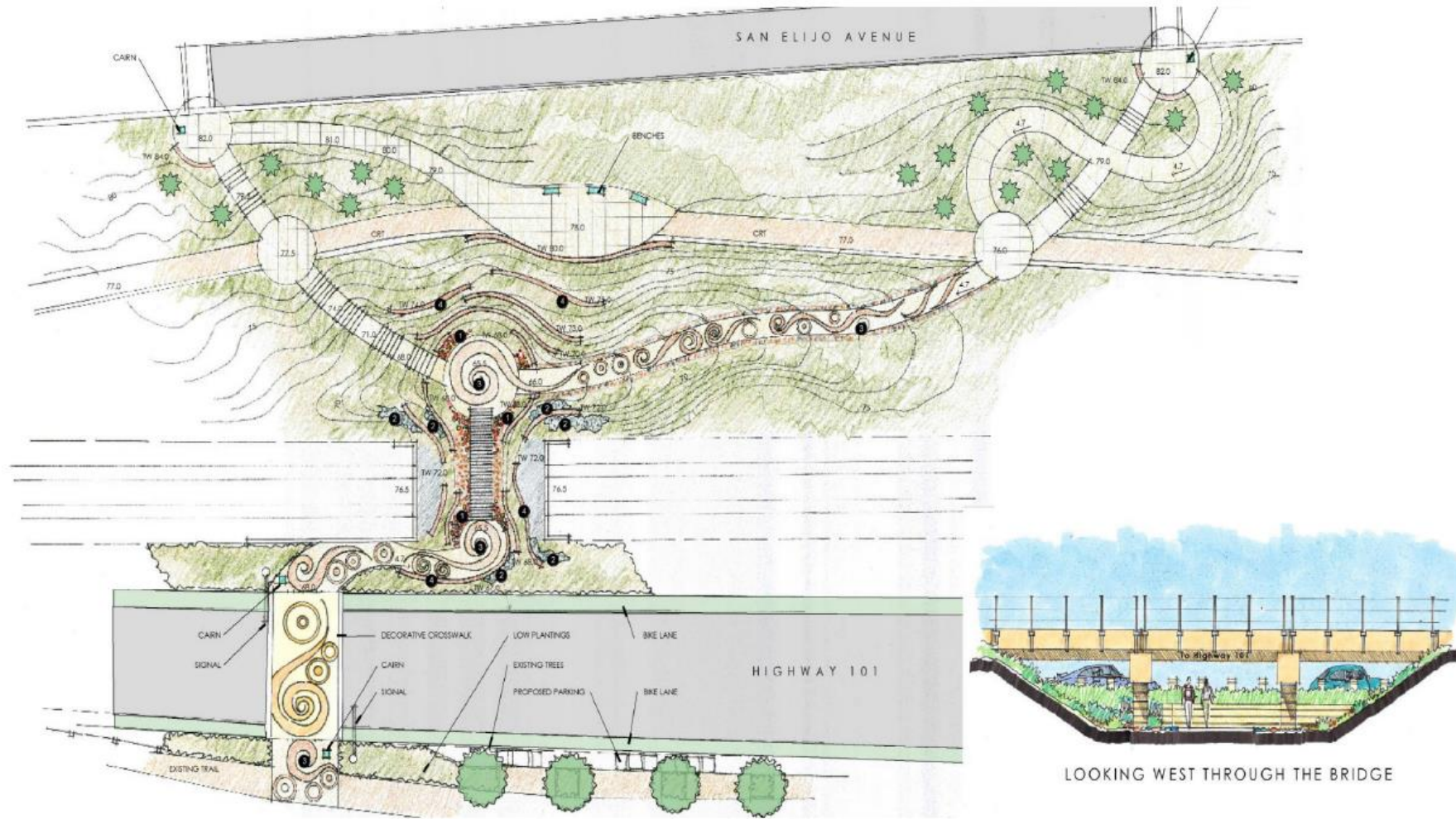
Figure 2. Major Project Components



- Permanent Impacts
- Recontoured/Landscaped Area
- Railroad Right-of-Way
- Coastal Rail Trail (Not a Part)
- Temporary Impacts
- Temporary Work Area
- Track Alignment



Figure 3. Project Design Elements



Environmental Factors Potentially Affected

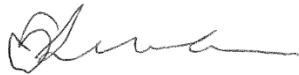
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

Determination (To be Completed by City)

On the basis of this initial evaluation:

- I find that the project would not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project may have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project may have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



4/3/2025

Signature

Date:

Fran Carr – Planner IV

Evaluation of Environmental Impacts

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on -project-specific factors, as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as -project level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

I. Aesthetics

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Except as provided in Public Resources Code Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

- a) **Less Than Significant Impact** – No designated scenic resources exist in the project area with exception of portions of South Coast Highway 101 and San Elijo Avenue. These roadways would not be adversely impacted by the low profile of the proposed undercrossing.
- b) **No Impact** – There are no protected trees, rock outcroppings or historic buildings on the project site that would be damaged.
- c) **Less Than Significant Impact** – As previously identified, the project is located within three zones: TC (Transportation Corridor), R11 (Residential 11), and ER/OS/PK (Ecological Reserve/Open Space). In addition, the project is also located within the City’s Coastal Overlay Zone. As identified in Figure 3 (Visual Resource Sensitivity) in the Resource

Management Element of the City's General Plan, the project area is located within a significant viewshed.

Areas zoned as TC are intended to ensure the preservation of certain public transportation ROW to ensure adequate land is available for future transportation modes and accessory uses including: recreational trails, public parking and parks. Areas zoned as R11 are intended to provide for a variety of residential development types found within the coastal areas while areas zoned as ER/OS/PK are intended to provide for land that is ecologically significant and has been set aside for preservation as open space, or land that has been set aside for the public's use as active and passive recreational areas; no private development may occur within this zone.

The project would introduce new visual elements into the railroad ROW that would be visible from public viewpoint areas surrounding the project location. The project components would mainly be constructed within the railroad ROW with the exception of crosswalks on adjacent City streets. The project theme would be "Land," similar to the previously approved theme for the Montgomery Avenue crossing and include hardscape features that emphasize the coastal bluffs that occur within the City's coastline (see Figure 3, Project Design Elements). The project includes 10-foot-wide meandering pathways, new retaining walls, garden walls, and public art on the walls of the undercrossing that would complement the existing natural coastal environment and community aesthetics. Proposed hardscape features would include earth-tone colored concrete along the pedestrian ramps, a steel grate pathway with cobble and rip rap under the railroad tracks, stone facade at the access points on both sides of the undercrossing, and Americans with Disabilities Act ramps and stair access. Decorative garden walls would incorporate a special treatment to emulate natural bluff layers. The project would be consistent with the City of Encinitas Design Guidelines and Los Angeles to San Diego (LOSSAN) Rail Corridor Design Criteria.

Proposed fencing, handrails, stained concrete, and landscaping would be compatible with the visual character of the rail corridor; and consistent with the thematic design elements for this portion of the Cardiff community as well as the TC, R11, and ER/OS/PK zoning designations. The proposed undercrossing, fencing, and other hardscape features would not disrupt the visual quality of adjacent areas on either side of the railroad tracks due to the proposed height and materials. The proposed pedestrian crosswalks within local streets would not conflict with the visual character of the surrounding area because they are common features at roadway intersections. Project elements would not degrade the visual quality or substantially change the visual character of the project area.

- d) **Less Than Significant Impact** – As previously identified, the project would include 70-watt, high pressure sodium lights mounted on 42-inch high bollards along the meandering pathways and near the undercrossing entrances, 25-watt fluorescent step lights mounted to the railings along pedestrian ramps, and 100-watt high-pressure sodium fixtures mounted below the undercrossing bridge consistent with City of Encinitas Design Guidelines and LOSSAN Rail Corridor Design Criteria. Lighting at the undercrossing would consist of a ceiling-mounted fixture that is vandal-resistant. Lighting would primarily consist of footpath lighting for pedestrian safety with most lighting in the tunnel and are not anticipated to impact residential land uses on San Elijo Avenue. The addition of lighting within the existing rail corridor could contribute incrementally to urban light sources but would not create a new source of substantial light and/or glare. The proposed undercrossing and hardscape elements would not include highly reflective surfaces that would cause adverse glare effects.

II. Agriculture and Forestry Resources

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

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 non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

II. Agriculture and Forestry Resources

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **No Impact** – The project site consists of developed roadways and the railroad ROW where agricultural operations are not feasible. No farmland is present that could be converted.
- b) **No Impact** – The project site is not zoned for agriculture and is not under a Williamson Act contract.
- c) **No Impact** – The project site is not zoned for forest use or timberland production.
- d) **No Impact** – See response to II.c.
- e) **No Impact** – See response to II.b and II.c

III. Air Quality

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **Less Than Significant Impact** – Construction related activities would not conflict or obstruct the implementation of applicable air quality plans including the San Diego Regional Air Quality Strategy (San Diego Air Pollution Control District 2016), and State Implementation Plan. As shown in Table 1, construction related activities would result in generation of criteria air pollutants. However, due to the short term use of construction equipment and the duration of construction activities proposed (up to 1.5-year duration), the project would not result in the exceedance of any San Diego Air Pollution Control District (SDAPCD) daily thresholds. In addition, emissions would further dissipate due to the light wind conditions at the project site. Once construction is completed, no additional air quality emissions would be generated as operation of the project is the use of the crosswalks and the underpass by pedestrians and cyclists. Therefore, implementation of the project would not conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy and impacts would be less than significant.
- b) **Less Than Significant Impact** – The project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Air quality impacts will

include construction exhaust emissions generated from construction equipment, earth movement activities, construction workers' commutes, and construction material hauling for the entire construction period. These activities will involve the use of diesel- and gasoline-powered equipment that will generate emissions of criteria pollutants such as Carbon Monoxide (CO), Nitrogen Oxides (NOX), Reactive Organic Gases (ROG) or Volatile Organic Compounds (VOC), Sulfur Oxides (SOX), Particulate Matter less than 10 microns (PM10), and Particulate Matter less than 2.5 microns (PM2.5). As discussed above, emissions would be temporary and would further dissipate due to the light wind conditions at the project site. Estimated construction air emissions were calculated for the project using the California Emissions Estimator Model (CalEEMod). The CalEEMod results are included in Appendix A with the results of the estimated construction emissions calculations shown in Table 1.

Table 1. Estimated Construction Emissions for the Project						
	Criteria Pollutant (lbs/day)					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Project Construction	2.6	24.2	23.8	0.1	14.5	7.7
SDAPCD Daily Thresholds	137	250	550	250	100	67
Exceeds SDAPCD Threshold?	No	No	No	No	No	No
Source: HDR 2023a						
Notes:						
lbs/day = pounds per day						

As shown in Table 1, construction emissions would not exceed San Diego Air Pollution Control District daily thresholds for construction activities. In the context of the project design and construction features, project construction-related air quality impacts would be less than significant. Although construction-related air quality impacts are considered to be less than significant, BMP AQ-1 would still be implemented during construction activities. As part of BMP AQ1, all active grading areas would be watered at least twice per day, as required by San Diego Air Pollution Control District Rule 55, which requires that visible dust emissions do not extend beyond the property line for more than 3 minutes in any 60 minute period. As discussed above, construction emissions would be temporary and would further dissipate due to the light wind conditions at the project site.

The project does not involve a new use at the site that might increase vehicle trips. As a pedestrian/bicycle undercrossing, the project by its very nature is anticipated to reduce single-occupancy vehicle trips by increasing opportunities for bicyclists and pedestrians, thereby reducing emissions. With no increase in daily traffic, the associated local and regional pollutant emissions would not increase compared to existing conditions. Therefore, operation of the project would not violate any air quality standard or contribute substantially to any existing or projected air quality violations. Impacts are considered to be less than significant.

- c) **Less Than Significant Impact** – Sensitive receptors include land uses where exposure to pollutants could result in health-related risks to individuals more susceptible to air pollution, such as children, the elderly, and individuals with pre-existing respiratory illness and/or cardiovascular disease. Residential dwellings, schools, hospitals, playgrounds, and similar facilities are of primary concern because of the presence of individuals particularly sensitive

to pollutants and the potential for increased and prolonged exposure of individuals to pollutants. The nearest sensitive receptors to the project site are existing residences located adjacent to the project site, across San Elijo Avenue.

Construction of the project may expose these surrounding sensitive receptors to airborne particulates, as well as a small quantity of construction equipment pollutants (i.e., usually diesel-fueled vehicles and equipment). However, BMP AQ-1 would still be implemented during construction activities. As part of BMP AQ-1, all active grading areas would be watered at least twice per day, as required by San Diego Air Pollution Control District Rule 55, which requires that visible dust emissions do not extend beyond the property line for more than 3 minutes in any 60 minute period.

Additionally, due to the linear nature of the project, construction activities at any one receptor location would occur for a limited duration and emissions would further dissipate due to the light wind conditions at the project site.

Once the project is constructed, the project would not be a source of substantial emissions. Therefore, sensitive receptors are not expected to be exposed to substantial pollutant concentrations during project construction or operation, and potential impacts would be considered less than significant.

d) **No Impact** – According to the South Coast Air Quality Management District CEQA Air Quality Handbook, land uses associated with odor complaints include agricultural operations, wastewater treatment plants, landfills, and certain industrial operations (such as manufacturing uses that produce chemicals, paper, etc.). The project would involve construction activities that could generate odors from the following sources and activities:

- Evaporation of gasoline, oil, and other equipment fluids that can escape from pumps, hoses, and tanks in construction equipment or at construction staging and work areas.
- Evaporation and off-gassing of volatile compounds from paints, coatings, and new concrete and asphalt surfaces.
- Exhaust emissions from on-site vehicle and truck maneuvering.

The potential odors associated with construction of the project are common throughout the City and would be intermittent and temporary. The release of odorous compounds from vehicle fluids, paints and coatings, asphalt and concrete, and fuel storage and dispensing are associated with many industrial, commercial, and residential operations and applications. These odors would not affect a substantial number of people, construction activities would be temporary, and construction-generated emissions dissipate rapidly with increasing distance from the source. Overall, odors associated with project construction would be temporary and intermittent in nature and would not create a significant level of objectionable odors affecting a substantial number of people.

Operation of the project will not involve any odor generating sources and would not result in the release of atypical odors or odors associated with unique processes (e.g., laundromats, coffee roasting, landfills, etc.). Therefore, the project would not result in the creation of objectionable odors that would affect a substantial number of people. No project-related odors are anticipated to occur.

IV. Biological Resources

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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 wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. Biological Resources

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

The following evaluation is based on analysis contained in the Biological Resources Technical Memorandum (HDR 2023b)

a) **Less Than Significant Impact**

Vegetation Communities – The project area is made up of non-native vegetation, disturbed habitat, and urban/developed lands. No sensitive vegetation communities occur in the project footprint where direct development impacts would occur.

Listed/Sensitive Species – The project footprint does not exhibit a suitable combination of habitat and soils for special status plant species occur within or immediately adjacent to the project area. Additionally, the project is outside the known elevation range for federally or state-listed plant species. Therefore, implementation of the project would not result in direct impacts on any federal or state -listed plant species. The project footprint does not support suitable habitat for other non-listed sensitive plant species. Therefore, no significant impacts on other special status plants are anticipated.

While the project footprint does support suitable foraging habitat for two non-listed, sensitive wildlife species, northern harrier (State Species of Special Concern) and white-tailed kite (State Fully Protected Species), the project would not significantly alter the existing land use and disturbed nature of the project study area. Implementation of BMP BIO-1 includes the installation of ESA fencing, which would further reduce impacts associated with foraging species. Therefore, implementation of the project would not result in significant impacts to non-listed, sensitive wildlife species.

Migratory Birds

Suitable habitat that would support migratory birds occurs offsite. As part of the BMP BIO-2, pre-construction nesting bird surveys would be performed prior to vegetation removal or

initial ground disturbance during the bird breeding season (generally considered February 15 through August 31). With implementation of the surveys, active nests would not be destroyed during initial ground disturbance or vegetation removal, and impacts on migratory birds are not anticipated to occur.

- b) **Less Than Significant Impact** – There are no United States Army Corps of Engineers, Regional Water Quality Control Board, or California Department of Fish and Wildlife jurisdictional areas in the project footprint area where impacts would occur; therefore, implementation of the project would not result in temporary or permanent impacts on jurisdictional areas. Although the project site is located in an area identified as having high sensitivity for natural resources (Figure 2 – Natural Resource Sensitivity of Resource Management Element of City’s General Plan), as identified in the Biological Resources Technical Memorandum, vegetation communities and other land cover types present within the project site include disturbed habitat, non-vegetated ditch, non-native vegetation, and urban/developed land cover.

Implementation of the project would not result in temporary or permanent impacts on waters of the U.S. or areas potentially subject to Regional Water Quality Control Board or California Department of Fish and Wildlife jurisdiction. Potential California Coastal Commission jurisdictional areas are located outside of the project footprint; however, as part of BMP BIO-1, ESA fencing would be installed to reduce potential for temporary or permanent direct impacts on California Coastal Commission jurisdictional areas.

- c) **No Impact** – The California Coastal Commission (CCC) uses a single-parameter definition to determine if an area is a wetland. This definition is based on evidence of hydrology, which can include:
- **Hydric soils:** Soils that are predominantly undrained and saturated with water
 - **Hydrophytic vegetation:** Vegetation that is predominantly hydrophytes, such as plants that can tolerate anaerobic conditions
 - **Wetland hydrology:** Conditions that indicate the area is saturated by ground water or shallow surface water for a sufficient duration

Section 30121 of the Coastal Act defines wetlands as "lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens". The CCC follows a delineation protocol developed by the U.S. Army Corps of Engineers. However, the CCC only requires evidence of one parameter, while the Army Corps requires evidence of all three.

The CCC’s one parameter definition is similar to the USFWS wetlands classification system, which states that wetlands must have one or more of the following three attributes: (1) at least periodically the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

Within the BSA, approximately 300 feet north of Milepost 239.2, a nonvegetated softbottomed ephemeral ditch originates at an 18inch diameter PVC track underdrain system outlet. The ditch parallels the railroad to the east, conveying flows southward where they are diverted beneath the rail and into a culvert under South Coast Highway 101. The terminal discharge of flows collected in the ditch was not observed within or adjacent to the BSA.

Approximately half of the feature is vegetated with nonnative upland species, such as ice plant and jointed charlock (*Raphanus* sp.), along the channel bottom and banks, which are not considered an indication of hydrophytic vegetation. There are no indications of drainage patterns or sediment deposits within this section of the ditch. Where the ditch exhibits indicators of an OHWM, including sediment deposition and shelving, it ranges from approximately 2 to 5 feet in width. However, based on historic USGS topographic mapping, no historic channels or other aquatic features have occurred in this location and there is no indication of hydric soils present. The ditch was constructed in uplands for the purpose of managing overland sheet flow within the railroad ROW.

As the ditch is constructed in uplands for the purpose of managing stormwater within the ROW and the feature does not support environmentally sensitive habitat, hydrophytic vegetation, or hydric soils, it is not anticipated that it would be considered a wetland subject to CCC regulation. Additionally, ditches constructed in upland and for the purpose of managing urban stormwater are generally not subject to USACE, RWQCB or CDFW jurisdiction. Therefore, no impacts associated with this issue would occur with implementation of the project.

- d) **No Impact** – See response to IV.b. The project site is a railroad corridor in an urbanized area; no wildlife corridors or wildlife nurseries occur in the project study area.
- e) **No Impact** – The project would not conflict with applicable Federal, State, and local regulations and laws, including the San Diego Multiple Habitat Conservation Program and the City of Encinitas General Plan. No trees are proposed to be removed and/or replaced in compliance with the City of Encinitas Climate Action Plan.
- f) **No Impact** – See response to IV.e.

V. Cultural Resources

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

The following evaluation is based on recent analysis contained in the Cultural Resources Technical Memorandum (HDR 2024) and the Geotechnical Design Report (HDR 2019a).

- a) **No Impact** – No built environment resources exist in the project area of potential effect.
- b) **Potentially Significant Unless Mitigation Incorporated** – Based on the cultural resources evaluation performed in March 2024, no archeological resources are known to be present in the project area of potential effect. However, it is possible that unknown subsurface archaeological resources could be encountered during project construction. With implementation of Mitigation Measures CUL-1 through CUL-7, impacts would be reduced to a less than significant level.
- c) **Less Than Significant** – There are no known cemeteries or burials on the project site. Health and Safety Code Section 7050.5 and CEQA Guidelines Section 15064.5(e) describe the process to be followed in the event human remains are discovered during project construction. In the event of discovery of human remains during ground-disturbing activities associated with the project, no further disturbance shall occur until the San Diego County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The San Diego County Coroner must be notified of the find immediately.

If the remains are determined by the coroner to be Native American in origin, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) within 24 hours. NAHC, pursuant to PRC Section 5097.98, will immediately notify those persons it believes to be the Most Likely Descendent (MLD) of the deceased person so the MLD may inspect the burial site and make recommendations for treatment and/or disposition. The MLD shall complete the inspection of the site within 48 hours of notification and may recommend

scientific removal and nondestructive analysis of the human remains and items associated with Native American burials.

Per CEQA Guidelines Section 15064.5(e)(2), the landowner or landowner's authorized representative, shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance where the following conditions occur:

- A) if the NAHC is unable to identify a MLD or if the MLD failed to make a recommendation within 24 hours after being notified by the NAHC;
- B) if the descendent identified fails to make a recommendation; or
- C) if the landowner or their authorized representative rejects the recommendation of the descendent and mediation by the NAHC fails to provide measures acceptable to the landowner.

Adherence to Health and Safety Code Section 7050.5 and CEQA Guidelines Section 15064.5(e), which provide procedures to follow in the event of the discovery of human remains, would reduce impacts to a less than significant level.

VI. Energy

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **No Impact** – The City’s Climate Action Plan (CAP), adopted in January 2018 and most recently updated in 2024, was developed in response to state mandates for greenhouse gas (GHG) reductions. The CAP serves as a guiding document, outlining actions for both community and municipal operations to reduce GHG emissions and mitigate the impacts of climate change within the City’s jurisdiction. Aligned with California’s statewide goals set forth in AB 32, the CAP benchmarks GHG emissions from 2012 and identifies the necessary reductions to meet mandated targets—specifically, a 13 percent reduction below 2012 levels by 2020 and a 44 percent reduction by 2030.

To meet these state-mandated objectives, the CAP includes an analysis of baseline GHG emissions and projected future growth, assesses the potential impacts of climate change on the City, and establishes reduction targets in line with statewide goals. It also details specific strategies, actions, and supporting measures to ensure compliance with California’s GHG reduction requirements, while also addressing community adaptation strategies to manage anticipated 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 following strategies are applicable to the project:

- CET-1: Complete and Implement the Citywide Active Transportation Plan (ATP)

In 2023, the City completed the Modal Alternatives Plan (MAP), an implementation planning document for the ATP. The MAP prioritized all of the projects identified in the ATP and selected the top 35 bicycle and pedestrian projects that the City should implement first for

maximum multimodal benefits. The project was ranked 38 for Citywide Ranked Pedestrian Projects.

The project is an undercrossing that facilitates east/west pedestrian access from nearby communities and beach areas. Construction and operation of the project would help the City further implement the ATP through the provision of multimodal connectivity at this location. Temporary use of construction equipment is expected to generate a nominal amount of energy for a temporary duration. In addition, the project would adhere to the City's Construction and Demolition Debris Diversion Requirements as identified in Section 11.22.030 of the City's Municipal Code. No impacts are anticipated to occur with implementation of the project.

- b) **No Impact** – See response to VI. a.

VII. Geology and Soils

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. Geology and Soils

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

a) No Impact

- i. There are no known active or potentially active faults that have been mapped at the project site, and the site is not located within a State of California Earthquake Fault Zone (formerly known as an Alquist-Priolo Special Studies Zone).
- ii. Risk factors were assessed to anticipate ground motions at the project site. Geotechnical recommendations are being incorporated into the design and contract documents (plans and specifications).
- iii. Due to the lack of observed groundwater in upper alluvial and fill soils, and the very dense/hard nature of the Del Mar Formation below, liquefaction is not expected to occur at the project site. Although near the Pacific Ocean, there is a relatively steep grade between the project site and the shore. California Geologic Survey 2009 maps depict the project site away from any landlocked bodies of water or just outside a tsunami inundation area. Therefore, the risks of seiche and tsunamis to occur at the site are considered low.
- iv. Based on a review of the City of Encinitas Public Safety Element (City of Encinitas 2005), the project site is not mapped in an area of known landslides. Landslides are known to occur regionally, generally where the steepest slopes are exposed along erodible creeks and waterways. The project site is mapped within a zone defined as 'marginally susceptible' which is considered 'unlikely to mobilize under natural conditions'.

- b) **Less Than Significant Impact** – During the site reconnaissance and review of recent aerial photographs, slopes did show typical signs of erosion and some areas of shallow surficial slumping, which is typical for all slopes and part of the natural degradation process. Based on these observations and the field investigation performed, the potential for gross instability of existing slopes is considered low. Normal surficial slope degradation processes, such as erosion, slope creep, and shallow surficial slumping, can be anticipated, although the project is designed to meet all applicable standards to maintain long -term safety and structural integrity. To limit the effects of erosion, earthen ditches along the tracks would be sized to limit velocities to those set in the American Railway Engineering and Maintenance-of-Way Association 2012 Manual for Railway Engineering.

Implementation of an approved Storm Water Pollution Prevention Plan, pursuant to National Pollutant Discharge Elimination System (NPDES) permit conditions, would avoid or reduce potential short -term erosion impacts during construction.

- c) **No Impact** – Due to the lack of expected liquefaction at the project site, lateral spreading is not anticipated to occur at the project site.
- d) **No Impact** – Based on a review of the City of Encinitas Housing Element (City of Encinitas 2015), expansive soils in the area are generally located to the east of the project area (east of Interstate 5). Based on this local description as well as the soils encountered during the field investigation and laboratory testing conducted for the project, expansion potential of onsite soils is considered low.
- e) **No Impact** – No septic or water disposal systems are proposed.
- f) **Potentially Significant Unless 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 may result in disturbance activities to geologic formations that exhibit moderate to high paleontological resource sensitivity; including previously undisturbed portions of the Linda Vista, Torrey Sandstone, or Del Mar formations. Mitigation Measure PAL-1 includes standard provisions for resource monitoring and recovery of paleontological resources to reduce potential impacts on paleontological resources.

VIII. Greenhouse Gas Emissions

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

- a) **Less Than Significant Impact** – Construction activities would generate greenhouse gas emissions from equipment use and transportation of workers travelling to and from the project site. The amount of greenhouse gas emissions that would be generated is not anticipated to be substantial due to the temporary nature of construction and the short term use of construction equipment needed to construct the project. throughout operation, the use of the pedestrian undercrossing is anticipated to not generate greenhouse gas emissions.
- b) **Less Than Significant Impact** – The project would be consistent with the strategies, goals, actions, and supporting measures of the City’s CAP (City of Encinitas 2018) and would contribute toward the City’s efforts to reduce greenhouse gas emissions. The project contributes toward implementation of City Action CET-3 (Improve traffic flow, promote active transportation, and plan for complete streets.

IX. Hazards and Hazardous Materials

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one -quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within 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 result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. Hazards and Hazardous Materials

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **No Impact** – The project would not involve these activities.
- b) **Less Than Significant Impact** – Herbicides used on railroad rights-of-way prior to the 1950s were generally heavy metals until the development and use of modern, soluble organic chemicals in recent decades. The use of these chemicals may have impacted shallow soils near the tracks with toxic metals such as lead and arsenic.

Additionally, the project’s close proximity to South Coast Highway 101 presents an increased risk of aerially deposited lead impacts on shallow soil from the prior decades when leaded gasoline was used in vehicles. Due to these historic conditions, there is potential to encounter contaminated soil and/or groundwater during project excavation and grading. Exposure of contaminated soils and/or groundwater may also affect soil handling and disposal procedures and worker health and safety during project construction.

However, a sampling and analysis program conducted for the San Elijo Double Track Project, located adjacent and to the south of the project site, concluded that concentrations of these same chemicals were below applicable waste thresholds (California Title 22 and Resource Conservation and Recovery Act) and Department of Toxic Substances Control screening levels for commercial and industrial soil. Therefore, the risk of exposure or release of hazardous materials to the public or the environment is low. BMP HAZ-1 and BMP HAZ-2 require the preparation of a Health and Safety Plan and require a standard handling process of hazardous materials. The preparation and adherence to requirements of a project-specific Health and Safety Plan, as well as the standard handling process associated with the discovery of previously unidentified hazardous materials would reduce the potential for significant impacts to occur; therefore impacts are less than significant.

- c) **No Impact** – See response to IX.a
- d) **No Impact** – The project location is not listed as a hazardous materials site.
- e) **No Impact** – The project site is not located within 2 miles of a public airport or private airstrip. The nearest airport is the McClellan-Palomar Airport located approximately 7 miles northeast

of the project site. Therefore, implementation of the project would not expose people working in the project area to a safety hazard or excessive airport noise levels and no impact would occur.

- f) **No Impact** – The project is an undercrossing that facilitates east/west access from nearby communities and beach areas and would not affect implementation of emergency response or evacuation plans.
- g) **No Impact** – The project site is not in located near wildland areas prone to wildfires.

X. Hydrology and Water Quality

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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:				
i. result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. 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; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. Hydrology and Water Quality

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

- a) **Less Than Significant Impact** – Potential temporary impacts on water quality that can be anticipated during construction for the project include sediments caused by the temporary access of construction equipment, as well as excavation and grading activities, vegetation removal, concrete waste from the construction, trash from workers and construction waste, petroleum products from construction equipment and/or vehicles, sanitary wastes from portable toilets and any other chemicals used for construction, such as coolants used for equipment and/or concrete curing compounds.

As discussed in the Stormwater Quality Technical Memorandum (HDR 2019c), there are multiple National Pollutant Discharge Elimination System (NPDES) permits that could apply to the project including the Phase II Small Municipal Separate Storm Sewer System (MS4) General Permit (Order No. 2013-0001-DWQ; NPDES No. CAS000004), the San Diego County MS4 Permit (Order No. R9-2013-0001-DWQ; NPDES No. CAS0109266), and City of Encinitas Phase I MS4 Permit. It is anticipated that the project would be required to adhere to City of Encinitas Phase I MS4 Permit and associated requirements with NCTD design standards. Adherence to requirements contained in the NPDES permit would avoid significant water quality impacts during construction and operation of the project.

- b) **No Impact** – The project would not decrease groundwater supplies or interfere substantially with groundwater recharge as groundwater extraction is not proposed for the project. The project site would be watered during dry and windy conditions during construction to prevent dust and debris from migrating offsite. However, the demand for construction watering would be minor and temporary. According to the Geotechnical Design Report (HDR 2019a), the design groundwater elevation was considered to be approximately 20 feet below ground level. Groundwater conditions may vary across the project site due to stratigraphic and hydrologic conditions and may change over time as a consequence of seasonal and meteorological fluctuations. However, due to the depth of the existing groundwater level in the area, it is unlikely that project construction activities would impact groundwater supplies or interfere substantially with groundwater recharge because the area is not identified as a groundwater recharge area. In addition, the San Dieguito Water District (who is the water purveyor in the area) does not use groundwater to supply its service area and does not plan

to develop its own groundwater supply sources in the future due to cost and feasibility issues (SDWD 2021). Therefore, the project would result in less than significant impact to groundwater supplies and no mitigation measures are required.

- ci) **Less Than Significant Impact** – In general, local and state regulations now require that the maximum rate of storm water runoff after development be no greater than the rate of storm water runoff before development of a project. Proposed drainage infrastructure is designed to withstand the concentrated flow from Verdi Avenue and the existing trackside ditch on the immediate northern side of the undercrossing limits. The project drainage improvements include the addition of an articulated concrete block lining and a culvert designed to collect the drainage runoff from the existing open drainage ditch just upstream (north) of the undercrossing, and discharge it downstream (south) of the undercrossing. A pump station would be installed as part of the project scope to capture runoff tributary to the undercrossing graded limits only, and to divert this water into the reinforced concrete box culvert used to divert the trackside ditch and Verdi Avenue runoff. Erosion/sedimentation impacts during construction would be avoided through compliance with NPDES permit requirements and requirements identified in the LOSSAN Rail Corridor Design Criteria.

Once construction is completed, operation of the project would consist of the public utilizing the pedestrian underpass and the occasional maintenance of landscaping within the area. These activities are not anticipated to result in new erosion/sedimentation impacts. Implementation of the project would result in the installation of landscaping and hardscape associated with the pedestrian undercrossing. These project features do not result in the introduction of new sources of water quality pollutants as there is existing vegetation and hardscape features already in place within the project site.

At the project site, the two main sources of concentrated flow are from a cross gutter at Verdi Avenue (78.25 cfs, 26.28 acres tributary) and from the trackside ditch (22.14 cfs, 24.89 acres tributary). As a result, the total runoff during the 100-year storm event is calculated to be about 100.8 cfs. The design for proposed drainage improvements would accommodate the exiting flows and those from any impervious surfaces added from the project. Therefore, implementation of the project is not anticipated to result in a substantial increase in surface runoff that would result in increases in erosion, siltation, flooding or sources of new water quality pollutants of concern.

- cii) **Less Than Significant Impact** – See response to X.c(i).
- ciii) **Less Than Significant Impact** – See response to X.c(i).
- civ) **Less Than Significant Impact** – See response to X.c(i).
- d) **No Impact** – The project site is not located within a 100-year floodplain, tsunami inundation area, or seiche zone.
- e) **Less Than Significant Impact** – See responses to X.a and b.

XI. Land Use and Planning

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

- a) **No Impact** – The project would not physically divide a community. The project will improve connectivity for two portions of the community with a new safe and legal railroad undercrossing.
- b) **Less Than Significant Impact** – The project would be consistent with applicable City General Plan goals, municipal code requirements, the City’s CAP, and other local, regional, and state programs and policies as identified for Visual Resources (Responses I.c and I.d), Air Quality (Response III.a), Biological Resources (Responses IV.e and IV.f), Energy (Response VI.a), Greenhouse Gas Emissions (Response VIII.b), Noise (Response XIII.a), Transportation (Response XVII.a), and Utilities and Service Systems (Response XIX.d and XIX.e).

XII. Mineral Resources

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **No Impact** – There are no known mineral resources at the project site.
- b) **No Impact** – The project site is not designated as a locally important mineral resource recovery site.

XIII. Noise

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project result in:

a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **Less than Significant Impact** – Construction activities at the project site would result in a short-term, temporary increase in the ambient noise level. The increase in noise level would be primarily experienced close to the noise source. The magnitude of the impact would depend on the type of construction activity, noise level generated by various pieces of construction equipment, duration of the construction phase, and distance between the noise source and receiver. Sound levels of typical construction equipment range from approximately 65 decibels (dBA) to 95 dBA at 50 feet from the source (U.S. Environmental Protection Agency [U.S. EPA] 1971).

The equivalent sound level of the construction activity also depends on the fraction of time that the equipment is operated over the time period of construction. The dominant source of noise from most construction equipment is the engine, usually diesel, often without sufficient muffling. Variation in power imposes additional complexity in characterizing the noise source level from a piece of equipment. This is handled by describing the noise at a reference distance from the equipment operating at full power and adjusting it based on the duty cycle of the activity to determine the sound level for the activity.

The City of Encinitas Municipal Code (Section 9.32.410) identified noise requirements associated with the operation of construction equipment within the City. These requirements include limitations on when construction equipment can be operated (Mondays through Saturdays between the hours of 7 a.m. and 7:00 p.m., with the exception of days officially recognized as a local, State or Federal holiday) and the noise level permitted (construction noise levels cannot exceed 75 dBA for more than 8 hours during any 24-hour period when measured at the nearest residential property).

As identified in the project description, the majority of construction would occur Monday through Saturday between 7:00 a.m. and 7:00 p.m. in conformance with the City's Municipal Code. However, to minimize disruption of passenger train operations, construction work for placement of the undercrossing beneath the tracks would occur during weekend nighttime hours (between 12:00 a.m. Saturday and 5:00 a.m. Monday). In order to allow limited nighttime construction, a variance from the City's noise control officer is required per the City of Encinitas Municipal Code (Section 9.32.425).

It is anticipated that any nighttime construction required would be completed over four consecutive Saturday and Sunday nights (a total of two weekends). Bridge construction would begin with the drilling of holes and placement of H Piles. Once the piles are dropped in place, a maintenance window would be scheduled to take the track out of service over a weekend in order to allow for installation of the bridge caps and superstructure. This weekend work would be continuous over a 54-hour period and would include 3 nights.

The nearest noise sensitive residential receptor is a neighborhood approximately 180 feet from the existing railroad ROW and where construction of the undercrossing would occur.

BMP NOI-1 includes provisions that require compliance with City of Encinitas Municipal Code Chapter 9.32, Noise. BMP NOI-1 also requires preparation of a noise control plan to provide a mechanism for the public to voice concerns of activities that could cause annoyance during limited construction activities.

As previously identified, the project would provide a safe and legal railroad crossing between two locations along San Elijo Avenue and South Coast Highway 101. During operation, the proposed pedestrian undercrossing would be beneficial to the area as it would allow for pedestrians and bicyclists to continue their travel unimpeded and would reduce the frequency where pedestrians and bicyclists interact with trains at this location. In addition, the proposed pedestrian undercrossing would eliminate the need for at-grade drop-down safety gates and the need for the trains to use their horns, unlike at-grade rail crossings. Because the proposed undercrossing would not require the use of warning signals or trains horns, operational noise is anticipated to be similar to existing conditions in the project area. Therefore, impacts are anticipated to be less than significant.

- b) **Less Than Significant Impact** – Project construction activities have the potential to generate ground-borne vibration with the use of heavy equipment. Received ground-borne vibration levels would vary and fluctuate based on the construction activity, equipment class and type, and distance between noise source and receiver at any given time. Standard conditions to reduce and minimize noise generated by construction would be implemented and also reduce vibration from construction activities. The property line ground vibration limits are summarized in Table 2, 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 2. City of Encinitas Ground Vibration Limits	
Adjacent Zone	Vibration in Inches per Second
	Steady-State
Residential	0.03
Commercial	0.05
Light Industrial	0.020
Public/Semi-Public	0.05

Table 3 lists vibration source amplitudes for construction equipment.

Table 3. Vibration Source Amplitudes for Construction Equipment		
Equipment	Peak Particle Velocity at 25 feet (inch/second)	Approximate Level at 25 feet (VdB)
Clam shovel drop (slurry wall)	0.202	94
Hydromill (slurry wall) – in soil	0.008	66
Hydromill (slurry wall) – in rock	0.017	75
Vibratory roller	0.210	94
Hoe ram	0.089	87
Large bulldozer	0.089	87
Caisson drilling	0.089	87
Loaded trucks	0.076	86
Jackhammer	0.035	79
Small bulldozer	0.003	58

Source: Federal Transit Administration 2006
Notes:
¹ Root mean square velocity in decibels (VdB) re 1 micro-inch/second
VdB=velocity decibel

The residences east of the project site would be approximately 100 feet from project construction areas that would require the use of vibratory rollers. At 100 feet, the roller vibration level would be reduced from 94 to 76 VdB with a resulting PPV of 0.026. The resulting PPV of 0.026 at 100 feet is less than the City’s threshold of 0.03 PPV at adjacent residential uses. Therefore, vibration annoyance impacts would be less than significant at nearby sensitive receptors. Construction vibration would cease to occur once project construction is completed. The project would not generate excessive groundborne vibration or groundborne noise levels, and a less than significant impact is anticipated.

- c) **No Impact** – The project site is not located within 2 miles of a public airport or private airstrip. The nearest airport is the McClellan-Palomar Airport located approximately 7 miles northeast of the project site. Therefore, implementation of the project would not expose people working in the project area to excessive airport noise levels and no impact would occur.

XIV. Population and Housing

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **No Impact** – The project would not induce substantial unplanned population growth either directly or indirectly. The project will facilitate safe and legal crossings of the railroad tracks for the existing community members.
- b) **No Impact** – No housing or persons would be displaced upon project implementation.

XV. Public Services

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **No Impact** – The project does not result in the need for any new or physically altered government facility, fire protection, police, school, parks, or other public facility. Therefore, no environmental impacts will occur.

XVI. Recreation

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **No Impact** – The project will not result in a substantial increase in the use or demand for existing neighborhood or regional parks, or other such recreational uses.
- b) **No Impact** – The project scope does not include the construction of recreational facilities and would not result in the need for the construction or expansion of new recreational facilities.

XVII. Transportation

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **No Impact** – The project is consistent with multiple planning and feasibility studies that include a new railroad crossing at this location. The project is consistent with the City’s Circulation Element, San Diego Association of Governments Infrastructure Development Plan, and the Rail Corridor Vision Study. The project is consistent with plans and policies that promote safe active transportation in the City (STC Traffic 2016).
- b) **No Impact** –The project is an undercrossing that facilitates east/west access from nearby communities and beach areas. The project would reduce vehicle miles travelled with enhanced pedestrian and bicycle infrastructure that is consistent with nearby active transportation projects (i.e., CRT).
- c) **No Impact** – Based on pedestrian surveys conducted in February 2016, there were nearly 600 pedestrian crossings over a three-day period. The project would increase safety for pedestrians and bicyclists to access beach areas from the Cardiff community. The proposed undercrossing would provide users a safe and legal method to cross live train tracks.
- d) **No Impact** – Emergency access would not be jeopardized as the majority of the project is in the railroad ROW.

XVIII. Tribal Cultural Resources

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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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 the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

<p>a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

The following evaluation is based on recent analysis contained in the Cultural Resources Technical Memorandum (HDR 2024).

- a) **Potentially Significant Unless Mitigation Incorporated** – AB 52 requires a lead agency to make best efforts to avoid, preserve, and protect tribal cultural resources. The bill states that tribal cultural resources are:
- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either (i) included or determined to be eligible for inclusion in the California Register of Historical Resources; or included in a local register of historical resources;
 - A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code Section 5024.1(c);
 - A cultural landscape that meets one of the criteria of 1), above, and is geographically defined in terms of the size and scope of the landscape; and/or
 - A historical resource described in Public Resources Code 21084.1, a unique archaeological resource described in Public Resources Code 21083.2(g), or a non-unique archaeological resource as defined in Public Resources Code 21083(h) if it conforms with the criteria of 1), above.

Based on the analysis in the Cultural Resources Technical Memorandum (HDR 2024), no tribal cultural resources fitting the definition above were identified. However, prior to the release of the CEQA document for a project, AB 52 requires the lead agency to initiate consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the project if:

1. The California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and
2. The California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.

The City mailed and emailed an AB 52 consultation notification to the San Luis Rey Band of Mission Indians on November 12, 2019. On August 3, 2023, the City initiated AB 52 consultation efforts to all tribal contacts in San Diego County (27 contacts) who had established an interest in the project. As of the date of this document, four California Native American tribes identified by the NAHC (San Luis Rey Band of Mission Indians, Viejas Band of Kumeyaay Indians, San Pasqual Band of Mission Indians, and the Rincon Band of Luiseño Indians) requested to consult with the City pursuant to CEQA and Public Resources Code 21080.3.1 (i.e., AB 52) regulations.

On August 22, 2023, the Viejas Band of Kumeyaay Indians responded via email with questions related to the project, to which the City provided responses. On September 8, 2023, the Viejas Band of Kumeyaay Indians responded that no further consultation on the project would be needed.

On October 27, 2023, the San Pasqual Band of Mission Indians requested tribal consultation. The Rincon Band of Luiseño Indians requested tribal consultation on November 2, 2023. City staff provided project information to both the San Pasqual Band of Mission Indians and the Rincon Band of Luiseño Indians on November 3, 2023.

Between November 2023 and February 2024, City staff worked with the San Pasqual Band of Mission Indians, the Rincon Band of Luiseño Indians, and the San Luis Rey Band of Mission Indians on modified cultural resource mitigation measures for the project. AB 52 consultation concluded on March 5, 2024, and further modifications to the cultural resource mitigation measures will be received during the public review period for the project. With implementation of Mitigation Measure CUL-1 through CUL-7, impacts would be reduced to a less than significant level. Therefore, the project would not cause a substantial adverse change in the significance of a known archaeological resource pursuant to CEQA Guidelines §15064.5 or an identified tribal cultural resource pursuant to Public Resources Code §21082.3.

- b) **Potentially Significant Unless Mitigation Incorporated** – See response to XVII. a.

XIX. Utilities and Service Systems

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **Less Than Significant Impact** – The project would tie into existing drainage facilities and includes an appropriately sized pump station and ancillary storm drain infrastructure to accommodate stormwater flows through the project site. No wastewater or water treatment facilities are required for the project and no new or expanded electric power, natural gas, or telecommunications facilities are proposed as part of the project.
- b) **No Impact** – Sufficient water supplies would be available to support the proposed landscaping. A plant palette with native California plants is proposed to reduce the amount of water required for plant survival.
- c) **No Impact** – See response to XIX. a.
- d) **Less Than Significant Impact** –Temporary construction activities would generate debris and waste. The project would be served by a solid waste disposal provider with access to landfills in the area with sufficient capacity. No solid waste is anticipated to be generated during operation.
- e) **No Impact** –Construction debris would be generated and disposed of in accordance with all federal, state, and local requirements for solid waste disposal.

XX. Wildfire

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Analysis

- a) **No Impact** – The project is not located within a state responsibility area or very high fire hazard severity zone.
- b) **No Impact** – See response XX. a).
- c) **No Impact** – See response XX. a).
- d) **No Impact** – See response XX. a).

XXI. Mandatory Findings of Significance

Environmental Issue Area:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<p>b) Does the project have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Analysis

a) **Potentially Significant Unless Mitigation Incorporated** – As discussed in Section IV., Biological Resources, no sensitive habitats or species existing on the project site. Inadvertent indirect effects to biological resources could occur if contractors staged equipment and stockpiled materials outside of the project footprint. However, implementation of BMP BIO-1 would reduce the impact to a level less than significant through the inclusion of ESA fencing.

Impacts on migratory bird species could be indirectly affected if active nests are destroyed during initial ground disturbance or vegetation removal. Therefore, pre-construction nesting bird surveys would be required prior to vegetation removal or initial ground disturbance during the bird breeding season (generally considered February 15 through August 31). Implementation of BMP BIO-2 would avoid the potential for direct take of migratory birds or their active nests, resulting in a less than significant impact.

As discussed in Section V., Cultural Resources and Section XVIII., Tribal Cultural Resources, no archeological resources have the potential to be affected by the project because none are known to be present in the project area of potential effect. However, it is possible that unknown subsurface archaeological resources could be encountered. With implementation of Mitigation Measure CUL-1 through CUL-7, impacts would be reduced to a less than significant level.

- b) **Less Than Significant Impact** – No cumulatively considerable impacts are anticipated. See Sections I through XX).
- c) **Less Than Significant Impact** – As discussed in Section VIII, there is potential to encounter contaminated soil and/or groundwater during project excavation and grading due to the historical use of the project site for railroad operations. Aerially deposited lead may also be present due to the close vicinity of the project site to South Coast Highway 101. However, a sampling and analysis program conducted for the San Elijo Double Track Project, located adjacent and to the south of the Subject Property, concluded that concentrations of these same chemicals were below applicable waste thresholds (California Title 22 and Resource Conservation and Recovery Act) and Department of Toxic Substances Control screening levels for commercial and industrial soil. Therefore, the risk of exposure or release of hazardous materials to the public or the environment is low. Implementation of BMP HAZ-1 requires the preparation of a Health and Safety Plan while BMP HAZ-2 requires adherence to standard handling procedures in the event that previously undiscovered hazardous materials are present in the project area, resulting in impacts that are less than significant.

Sources

California Department of Conservation. 2009. Tsunami Inundation Map.

https://www.conservation.ca.gov/cgs/Documents/Tsunami/Maps/Tsunami_Inundation_Encinitas_Quad_SanDiego.pdf

California Department of Forestry and Fire Protection. Very High Fire Hazard Severity Zones.

<https://osfm.fire.ca.gov/media/5960/encinitas.pdf>

City of Encinitas. 2005. General Plan.

——— 2017. Zoning Map.

https://encinitasca.gov/Portals/0/City%20Documents/Documents/Information%20Technology/COE_Zoning.pdf

——— 2018. Climate Action Plan.

https://encinitasca.gov/Portals/0/City%20Documents/Documents/City%20Manager/Climate%20Action/Encinitas_Climate%20Action%20Plan_Final_01-17-18.pdf?ver=2018-01-24-114612-100

Federal Transit Administration. 2006. Transit Noise and Vibration Impact Assessment Guidelines, Table 12-2.

HDR. 2019a. Geotechnical Design Report for the Verdi-Montgomery Vicinity Pedestrian Rail Undercrossing Project.

——— 2019b. Phase I Environmental Site Assessment for the Verdi Avenue Pedestrian Rail Undercrossing Project.

——— 2019c. Stormwater Quality Technical Memorandum for the Verdi Avenue Pedestrian Rail Undercrossing Project.

——— 2023a. CalEEMOD Output Sheets for the Verdi Avenue Pedestrian Rail Undercrossing Project.

——— 2023b. Biological Resources Technical Memorandum for the Verdi Avenue Pedestrian Rail Undercrossing Project.

——— 2024. Cultural Resources Technical Memorandum for the Verdi Avenue Pedestrian Rail Undercrossing Project.

San Diego Air Pollution Control District. 2016. Revision of the Regional Air Quality Strategy For San Diego County.

San Dieguito Water District. 2021. 2020 Final Urban Water Management Plan.

STC Traffic. 2016. Pedestrian Crossing Assessment for Montgomery At-Grade Pedestrian Crossing Project.

<https://www.encinitasca.gov/home/showpublisheddocument/2322/638053342107130000>

WSP. 2018. Rail Corridor Vision Study, a component of the Coastal Mobility and Livability Study.