

CHAPTER 1.0 INTRODUCTION

1.1 Intent of the California Environmental Quality Act (CEQA)

The City of Encinitas (“City”), as Lead Agency under CEQA, has prepared this Environmental Impact Report (EIR) for the North Coast Highway 101 Streetscape Improvements Project (“proposed Project”). The proposed Project corridor is located within Encinitas in the community of Leucadia, in northwest San Diego County, and comprises approximately 2.5 miles of Highway 101 from A Street (south boundary) to La Costa Avenue (north boundary). The proposed Project is described in detail in Chapter 2 of this EIR.

This EIR has been prepared pursuant to:

- *CEQA* (California Public Resources Code [PRC] Section 21000 et seq.); and,
- *State CEQA Guidelines* (California Code of Regulations [CCR] Title 14, Chapter 3, Section 15000 et seq.).

The overall purpose of the CEQA process is:

- To identify the significant impacts of a project on the environment; identify project alternatives; and, to indicate the manner in which the significant effects can be avoided or mitigated;
- To provide full disclosure of a project’s environmental effects to the public, the agency decision makers who will approve or deny a project, and the responsible and trustee agencies charged with managing resources (e.g., wildlife, air quality) that may be affected by a project; and,
- To provide a forum for public participation in the decision-making process related to environmental effects.

1.2 Purpose of this EIR

This EIR is a public information document used in the planning and decision-making process to analyze and disclose:

- potential environmental impacts of the proposed Project;
- mitigation measures to reduce significant impacts;
- the level of significance of impacts with and without mitigation;
- any unavoidable adverse impacts that cannot be mitigated;
- significant cumulative impacts when taken into consideration with past, present, and reasonably foreseeable future projects;
- reasonable and feasible project alternatives that would avoid or reduce significant environmental impacts; and
- Mitigation Monitoring and Reporting Program (MMRP).

CEQA requires an EIR to reflect the independent judgment of the ‘Lead Agency.’ A Draft EIR (DEIR) is circulated for review by ‘Responsible Agencies,’ ‘Trustee Agencies,’ other public agencies, special districts, organizations, citizen groups, and individual members of the public (collectively referred to as

1.0 INTRODUCTION

“interested parties”). As defined in Sections 15050 and 15367 of the *State CEQA Guidelines*, ‘Lead Agency’ is the “public agency that has the principal responsibility for carrying out or approving a project; a ‘Responsible Agency’ has discretionary approval over certain project aspects; and, a ‘Trustee Agency’ has discretionary approval or jurisdiction by law over natural resources affected by a project.

The City of Encinitas is the CEQA Lead Agency for this EIR, and the City Council will consider the information in this EIR during the public hearing process to approve, conditionally approve, or deny the proposed Project. The California Coastal Commission, North County Transit District, and State Regional Water Control Board are Responsible Agencies for the proposed Project since these agencies would consider their own separate approvals, as described in Table 2-1.

1.3 Terminology

The terms listed below are defined to assist reviewers in understanding this EIR.

- *Project* means the whole of an action that has the potential to result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.
- *Environment* means the physical conditions that exist in the area and would be affected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved is where significant direct or indirect impacts would occur as a result of a project. The environment includes both natural and man-made (artificial) conditions.
- *Impacts* analyzed under CEQA must be related to a physical change. Impacts are:
 - Direct or primary impacts that would be caused by a project and would occur at the same time and place; or,
 - Indirect or secondary impacts that would be caused by a project and would be later in time or further removed in distance, but that would still be reasonably foreseeable. Indirect or secondary impacts may include growth-inducing impacts and other impacts related to induced changes in the pattern of land use, population density, growth rate, or related effects on air and water and other natural systems, including ecosystems.
- *Significant Impact on the Environment* means a substantial, or potentially substantial, adverse change in any of the physical conditions in the area affected by a project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. An economic or social change by itself is not considered a significant impact on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.
- *Mitigation* consists of measures that avoid or substantially reduce a project’s significant environmental impacts by:
 - Avoiding the impact altogether by not taking a certain action or parts of an action;
 - Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
 - Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

- Reducing or eliminating the impact over time through preservation and maintenance operations during the life of the action; or,
- Compensating for the impact by replacing or providing substitute resources or environments.
- *Cumulative Impacts* are two or more individual impacts that, when considered together, are considerable or that compound or increase other environmental impacts. The following statements also apply when considering cumulative impacts:
 - The individual impacts may be changes resulting from a single project or separate projects; and,
 - The cumulative impact from several projects is the change in the environment that results from the incremental impact of a project when added to other closely related past, present, or reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over time.

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

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

1.4 CEQA EIR Process

CEQA requires a Lead Agency to solicit and consider input from interested parties. The CEQA review process gives interested parties an opportunity to share expertise, discuss the analyses, check for accuracy, detect omissions, discover public concerns, and solicit mitigation measures and alternatives capable of avoiding or reducing the significant effects of a project, while still attaining most of the basic objectives of a project. Reviewers of the DEIR are requested to focus on the adequacy of the document (i.e., its thoroughness in identifying and analyzing possible impacts on the environment, and ways to avoid or reduce such impacts through additional alternatives or mitigation measures). The CEQA process for this EIR includes:

- Initial Scoping – determination that the proposed Project requires an EIR.
- Filing and distribution of the Notice of Preparation (September 25, 2015) (Appendix A, Notice of Preparation and Comment Letters).
- CEQA Public Scoping Meeting (October 8, 2015).
- Preparation of the DEIR.
- Release of the DEIR for a 45-day public review period.

1.0 INTRODUCTION

- Preparation/distribution of the Final EIR (FEIR) including a list of all commenters on the public review DEIR; responses to public review comments received on the DEIR; revisions to the DEIR as a result of these comments; MMRP; Candidate CEQA Findings of Fact; and Statement of Overriding Considerations (SOC).¹
- Certification of the FEIR and approval of the proposed Project.

1.4.1 Notice of Preparation (NOP)

Pursuant to Section 15082 of the *State CEQA Guidelines*, a NOP was circulated to the California Office of Planning and Research (State Clearinghouse) and interested parties for a 30-day public review period between September 25 and October 26, 2015. The NOP was also posted in the San Diego County Clerk's office over the 30-day public review period. The State Clearinghouse solicited State-wide agency participation in determining the scope and content of this EIR.

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

1.4.2 Scoping Meeting

Pursuant to Section 15206 of the *State CEQA Guidelines*, a Public Scoping Meeting was held during the 30-day NOP public review period on October 8, 2015, at the Encinitas Community and Senior Center, 1140 Oakcrest Drive, to allow for public comments regarding (but not limited to) environmental effects, mitigation measures, and the range of alternatives.

1.4.3 NOP and Scoping Meeting Results

Appendix A contains the one written comment letter received during the 30-day NOP public review period from the California Department of Transportation (Caltrans) and a summary of proceedings from the Public Scoping Meeting.

1.4.4 DEIR Public Review

The DEIR has been circulated to the State Clearinghouse and interested parties for a 45-day public review period between December 2, 2016 and January 16, 2017; posted on the City's public website under "Environmental Notices" at: <http://www.encinitasca.gov/index.aspx?page=284>; hard copies made available at the San Diego County Library - Encinitas Branch Library, located at 540 Cornish Drive, Encinitas, CA; and interested parties invited to submit written comments to:

Stephanie Kellar, Project Manager
Encinitas Public Works Department
505 S. Vulcan Avenue
Encinitas, California 92024

E-mail: skellar@encinitasca.gov
Phone: (760) 633-2839
Fax: (760) 633-2818

¹ This determination requires the decision-makers to provide a discussion of how the benefits of a project outweigh identified unavoidable significant impacts.

1.4.5 FEIR Certification

Interested parties may review the FEIR, and written responses to public agency comments will be provided to those agencies no less than 10 days prior to the City public hearings (14 California Code of Regulations Section 15088(b)). Sections 15090 and 15093 of the *State CEQA Guidelines* require the following findings at the City Council public hearing preceding FEIR certification, adoption of the Candidate CEQA Findings and SOC (if required), and Project approval:

- The FEIR has been completed in compliance with CEQA;
- The City Council has reviewed and considered the information in the FEIR; and,
- The FEIR reflects the City’s independent judgment and analysis.

1.5 DEIR Content and Organization

The content and organization of this EIR meets the requirements of the *State CEQA Guidelines*. Specifically, the EIR is organized into the chapters identified below.

- *Executive Summary* provides a brief Project description and summary of the environmental impacts and mitigation measures.
- *Chapter 1.0, Introduction*, provides CEQA compliance information, an overview of the decision-making process, and information regarding the organization of this EIR.
- *Chapter 2.0, Project Description, Location, and Environmental Setting*, provides a description of the proposed Project, including its objectives, location, background, general environmental setting, identification of discretionary actions and interested parties, Project consistency with applicable plans and policies, and list of cumulative projects.
- *Chapter 3.0, Environmental Effects*, contains a description of existing conditions and detailed analysis of environmental impacts, cumulative impacts, and recommended mitigation measures, as applicable, that would result with Project implementation.
- *Chapter 4.0, Environmental Effects Found Not to be Significant*, provides the rationale for why certain environmental effects are not significant with Project implementation.
- *Chapter 5.0, Project Alternatives*, describes a reasonable range of alternatives to the proposed Project that could avoid or reduce significant environmental effects with Project implementation.
- *Chapter 6.0, Lane Diet Analysis*, provides an analysis of the lane striping project conducted between Leucadia Boulevard and La Costa Avenue in 2012.
- *Chapter 7.0, References*, identifies reference sources used in the preparation of this EIR.
- *Chapter 8.0, List of EIR Preparers and Persons and Organizations Contacted*, identifies persons involved in the preparation of this EIR and/or those contacted during preparation of this EIR who provided information or data incorporated into the document.
- *Appendices* provide information and/or relevant technical studies in support of the environmental analysis contained within this EIR.

1.0 INTRODUCTION

Environmental issues evaluated in Chapter 3.0 of this EIR include:

- Aesthetics and Visual Character
- Hydrology and Water Quality
- Land Use and Planning
- Public Services
- Transportation/Circulation

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

- *Existing Conditions* describes the physical environment that exists at the time of NOP issuance.
- *Regulatory Framework* describes the applicable federal, State, and local laws, as well as City General Plan goals and policies.
- *Impacts/Mitigation Analysis and Significance Determination* identifies applicable significance thresholds; impacts of the proposed Project, including direct, indirect, short-term, long-term and cumulative impacts; feasible mitigation measures to reduce significant impacts; and, determination of the level of significance before and after mitigation.

Environmental issues evaluated in Chapter 4.0 of this EIR include:

- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural and Paleontological Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Mineral Resources
- Noise
- Population and Housing
- Recreation
- Utilities/Service Systems

1.6 Incorporation by Reference

In accordance with Section 15150 of the *State CEQA Guidelines*, the following documents are incorporated by reference into this EIR and available for public review at the City, with a brief synopsis of each provided.

1.6.1 **City General Plan and Certified Local Coastal Program**

The City General Plan serves as a policy document that provides long-range guidance to City officials responsible for decision-making with regard to the City's future growth and long-term protection of its resources. The General Plan is intended to ensure that decisions made by the City conform to long-range goals established to protect and further the public interest as the City continues to grow, and to minimize potential adverse effects potentially occurring with ultimate buildout of the General Plan. The General Plan also provides guidance to ensure that future development conforms to the City's established plans, objectives, and/or policies, as appropriate.

The majority of the City lies within the boundaries of the California Coastal Zone (approximately 7,875 acres of a total of 13,266 acres). The California Coastal Act is intended to protect natural and scenic resources of the Coastal Zone. All local governments located wholly or partially within the Coastal Zone are required to prepare a Local Coastal Program (LCP) for those areas of the Coastal Zone lying within its jurisdiction. The State's goals for the Coastal Zone include the following:

- a) Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and artificial resources;
- b) Assure orderly, balanced utilization and conservation of Coastal Zone resources taking into account the social and economic needs of the people of the State;
- c) Maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners;
- d) Assure priority for coastal-dependent and coastal-related development over other development on the coast; and,
- e) Encourage State and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the Coastal Zone.

The City General Plan includes issues and policies related to California Coastal Act requirements; therefore, the General Plan serves as a LCP Land Use Plan (LUP) for the City. The General Plan/LCP incorporates land use plans for future development within the Coastal Zone, provisions of the Zoning Code, zone overlays for sensitive resources, and other implementing measures to ensure the protection of coastal resources. For those lands located within the Coastal Zone, any conflicts that occur between the LUP and any policy or provision of the General Plan that is not a part of the LCP, the LUP takes precedence. Any such conflicts shall result in identifying a resolution that achieves the highest degree of protection for resources within the Coastal Zone.

The City is responsible for issuance of Coastal Development Permits (CDPs) within the Coastal Zone excluding submerged lands, tidelands, or public trust lands.

1.6.2 City Municipal Code

Title 30, Zoning, of the City Municipal Code was adopted to promote and protect the public health, safety, and welfare through the orderly regulation of land uses in the City. Title 30 is intended to “regulate the use of real property and the buildings, structures, and improvements located thereon so as to protect, promote, and enhance the public safety, health, and welfare” (Ord. 86-19). Further, the Zoning Ordinance is “adopted pursuant to, and to implement provisions of, the Encinitas General Plan and certified LCP LUP. The regulatory provisions...shall implement the provisions of the General Plan to carry out the objectives contained therein” (Ord. 94-06).

1.6.3 North 101 Corridor Specific Plan (N101SP)

The N101SP was adopted by the City in May 1997 and subsequently amended in March 2005. The planning area is comprised of 231 acres and includes the communities of Leucadia and Old Encinitas. The N101SP area is generally bounded by B Street/Encinitas Boulevard to the south; Vulcan Avenue to the east; and, Highway 101 to the west. The City General Plan identifies the N101SP for the unique character, problems, and opportunities that the corridor exhibits. The N101SP goal is to maintain the identity, community character, and scale of the corridor, while enhancing future opportunities for redevelopment and revitalization along North Highway 101. It is comprised of the following components: 1) Summary; 2) Community Vision and Specific Plan Goals; 3) Use and Development Regulations; 4) Design

1.0 INTRODUCTION

Recommendations; 5) Circulation Plan; 6) Public Facilities and Infrastructure; 7) Historic Preservation Plan; 8) Housing; 9) General Plan and Local Coastal Program Compliance; and, 10) Implementation. As identified in N101SP, the overall “vision” for the Project corridor is to:

- Promote a community where individuals can afford to live, as well as own and operate commercial establishments; encourage architectural quality and creativity without discouraging development or dictating a specific style or theme;
- Establish a streetscape enhancement program along the North 101 corridor;
- Provide a commercial corridor that serves both the needs of the neighborhood residents as well as visitors to the community;
- Encourage diverse, small-scale uses and family-owned businesses;
- Preserve and maintain the existing mature eucalyptus and cypress trees and establish a street tree program for the entire North 101 corridor;
- Provide for safe pedestrian and traffic circulation; and,
- Consider opportunities for mixed-use development and to enhance the artistic community.

1.6.4 N101SP Final EIR

With adoption of the N101SP, the City Council certified the corresponding Final Supplemental EIR (SEIR) (State Clearinghouse No. 92041033), in combination with an Addendum to the SEIR. The Final SEIR evaluates potential environmental effects resulting from implementation of both the N101SP and Downtown Encinitas Specific Plan, both of which are intended to guide the ultimate buildout of land uses, as outlined in the zoning and design criteria, and the construction of streetscape and capital facilities improvements identified in the Specific Plans.

Adverse environmental effects identified in the N101SP Final SEIR included potential land use conflicts, noise, air quality, and traffic circulation, as well as increased demands on library and school services. Mitigation measures were identified to reduce these impacts to less than significant, with the exception of impacts on regional air quality and school and library services (both at a cumulative level). As such, a SOC was adopted with the Final SEIR certification documenting how the benefits of proposed development would outweigh these particular adverse effects, including additional housing opportunities, protection and enhancement of community character, and increased public safety through construction of the proposed roadway and infrastructure improvements.