

4.9 LAND USE AND PLANNING

The environmental setting, regulatory framework, potential impacts, and mitigation measures concerning land use and planning are discussed in the 2016 PEIR and hereby incorporated by reference. The additions/changes to those analyses necessary to make the 2016 PEIR applicable to the revised Project are presented in this Section.

This Section identifies the existing environmental conditions in the affected area, identifies and analyzes the Project's potentially significant land use and planning impacts, and recommends measures to avoid/reduce significant impacts. This Section addresses the Project's potential impacts concerning land use plans or policies, State planning initiatives, neighborhood compatibility, proximity to agricultural sites, and noise/land use compatibility consistent with the thresholds of significance set forth in the 2016 PEIR and this Environmental Assessment (EA).

4.9.1 EXISTING ENVIRONMENTAL SETTING

2016 PEIR

The City's existing land uses are discussed in 2016 PEIR Section 2.4.1 (page 2-6), and the additions/changes necessary to make the 2016 PEIR applicable to the revised Project are presented below.

ADDITIONS/CHANGES SINCE 2016 PEIR

Table 4.9-1 identifies the housing types and quantities of each type in the City of Encinitas.

TABLE 4.9-1: CITY OF ENCINITAS EXISTING HOUSING TYPES	
Unit	Estimated 2017
Total Housing Units	26,409
Single-Family: Detached	15,309
Single-Family: Multiple Unit	4,963
Multiple Family	5,459
Mobile Home and Other	678
SOURCE: State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2011-2018. Sacramento, California, May 2018.	

This EA addresses 17 candidate sites (see Figure 2-3) comprised of 36 parcels and totaling approximately 111 gross acres. Of the 111 acres, approximately 61 acres (approximately 55%) are developed to varying degrees. The general characteristics of each candidate site are provided in Table 4.9-2.



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TABLE 4.9-2: CANDIDATE SITES' CHARACTERISTICS											
Candidate Site	Address	APN ¹	Gross/ Net Acres ²	Existing On-the-Ground Land Use		General Plan Land Use Designations ³		Zoning ⁴		Proposed Maximum Realistic Yield (MRY)	
				Residential (DU) ¹	Non-Res. (SF) ¹	Existing	Proposed	Existing	Proposed	Residential (DU)	Non-Residential (SF)
Leucadia											
2	Piraeus S.	2541440100	6.9/6.9	0	0	RR-2	RR-2, R-30 OL	RR-2	RR-2, R-30 OL	208	0
3	634 Quail Gardens Ln	2570111700	7.6/7.6	0	0	RR-1	RR-1, R-30 OL	RR-1	RR-1, R-30 OL	228	0
7	1950 Highway 101	2160412000 2160412100	3.0/3.0	0	0	VSC	VSC, R-30 OL	N-LVSC	N-LVSC, R-30 OL	89	0
9	1150 Quail Gardens Dr	2546121200	21.5/9.9	1	606,076	SP-3	SP-3, R-30 OL	ER-AG	ER-AG, R-30 OL	296	0
AD7	1900 Highway 101	2160410600	0.8/0.8	0	4,574	GC	GC, R-30 OL	N-CRM-1 (N101SP)	N-CRM-1 (N101SP), R-30 OL	24	0
AD8	1967 N. Vulcan Ave	2160520100	2.0/2.0	1	8,650	R-3	R-3, R-30 OL	N-R3 (N101SP)	N-R3 (N101SP), R-30 OL	60	0
Subtotal	—	—	41.8/30.2	2	619,300	—	—	—	—	905	0
Old Encinitas											
5	550 and 695 Encinitas Blvd; Encinitas Blvd; Quail Gardens Dr	2581111600 2581303400 2581304500 2581308100	4.9/4.7	1	0	OP	OP, R-30 OL	OP	OP, R-30 OL	143	0
12	630 Encinitas Blvd	2581309700 2581309800	3.4/3.4	0	6,849	OP	OP, R-30 OL	OP	OP, R-30 OL	102	0



TABLE 4.9-2: CANDIDATE SITES' CHARACTERISTICS											
Candidate Site	Address	APN ¹	Gross/ Net Acres ²	Existing On-the-Ground Land Use		General Plan Land Use Designations ³		Zoning ⁴		Proposed Maximum Realistic Yield (MRY)	
				Residential (DU) ¹	Non-Res. (SF) ¹	Existing	Proposed	Existing	Proposed	Residential (DU)	Non-Residential (SF)
AD2	185, 195, and 225 Quail Gardens Dr; Mays Hollow Ln; Quail Gardens Dr; Encinitas Blvd	2570203600 2570203700 2581308000 2581308200 2581308600 2581309100 2581309300 2581309400	11.6/9.1	0	0	R-5	R-5, R-30 OL	R-5	R-5, R-30 OL	272	0
AD9	1050 Regal Rd.	2582411000	4.4/4.4	0	22,930	R-11	R-11, R-30 OL	R-11	R-11, R-30 OL	132	0
Subtotal	—	—	24.3/21.6	1	29,779	—	—	—	—	649	266,914
Cardiff											
1	3459 Manchester Ave	2611506400	2.5/2.0	0	0	RR-1	RR-1, R-30 OL	RR-1	RR-1, R-30 OL	60	0
10	No address	2612100100	16.9/9.9	1	3,880	RR-2	RR-2, R-30 OL	RR-2	RR-2, R-30 OL	296	0
Subtotal	—	—	19.4/11.9	1	3,880	—	—	—	—	356	0
New Encinitas											
6	El Camino Real	2574702300 2574702400	3.8/3.0	0	5,421	GC	GC, R-30 OL	GC	GC, R-30 OL	88	127,631
11	El Camino Real	2621601400	2.3/1.9	0	43,765	R-3	R-3, R-30 OL	R-3	R-3, R-30 OL	58	0
AD1	Sage Canyon Dr	2620618500	5.2/2.4	0	0	R-3	R-3, R-30 OL	R-3	R-3, R-30 OL	72	0



TABLE 4.9-2: CANDIDATE SITES' CHARACTERISTICS

Candidate Site	Address	APN ¹	Gross/ Net Acres ²	Existing On-the-Ground Land Use		General Plan Land Use Designations ³		Zoning ⁴		Proposed Maximum Realistic Yield (MRY)	
				Residential (DU) ¹	Non-Res. (SF) ¹	Existing	Proposed	Existing	Proposed	Residential (DU)	Non-Residential (SF)
AD6	331, 333, 335, 337 N. El Camino Real	2570623300 2570623400 2570623500 2570623600	7.8/6.3	0	77,172	GC	GC, R-30 OL	GC	R-3, R-30 OL	188	272,250
Subtotal	—	—	19.1/13.6	0	126,358	—	—	—	—	406	339,881
Olivenhain											
8	2220, 2228, 2230 Encinitas Blvd; Rancho Santa Fe Dr	2592313000 2592313100 2592313200	6.6/6.0	3	14,440	RR-2	RR-2, R-30 OL	RR-2	RR-2, R-30 OL	181	0
Subtotal		—	6.6/6.0	3	14,440	—	—	—	—	181	0
TOTAL		17	111.2/83.3	7	793,757	49.8	111.2	7	793,757	2,494	831,016

NOTES:

1. APN = assessor parcel number; DU = dwelling unit; SF = square feet; ac = acre
2. Rounded.
3. RR-1 = Rural Residential (up to 1 du/ac); RR-2 = Rural Residential (up to 2 du/ac); R-3 = Residential (1 to 3 du/ac); R-5 = Residential (1 to 5 du/ac); R-11: Residential (1 to 11 du/ac); VSC = Visitor Serving Commercial; R-30 OL = Residential (up to 30 du/ac; overlay); GC = General Commercial; SP-3 = Specific Plan 3; OP = Office Professional
4. Zoning designations: ER-AG = Encinitas Ranch – Agriculture; RR-2 = Rural Residential; RR-1 = Rural Residential; R3 = Residential 3; R5 = Residential 5; R-11: Residential 11; R-30 OL = Residential 30 Overlay; N-LVSC = North 101 Limited Visitor Serving Commercial; N-R3 = North 101 – Residential 3; OP = Office Professional; N101-SP = North 101 – Specific Plan



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Existing Land Use Designations

Figures 4.9-1a through 4.9-1e depict the candidate sites' existing Encinitas General Plan (EGP) land use designations. The existing/adopted EGP land use designations for each candidate site is identified in Table 2-3, *Existing General Plan Land Use Designations*. Based on the candidate sites' existing adopted land use designations, the maximum realistic yield (MRY) would be 191 dwelling units (DU) and approximately 831,016 square feet (SF) of non-residential land uses.

EXISTING ZONING

Figures 4.9-2a through 4.9-2e depict the candidate sites' existing zoning. The existing zoning is identified in Table 2-4, *Existing Zoning*. Based on the candidate sites' existing adopted zoning, the MRY would be 183 DU and approximately 831,016 SF of non-residential land uses.

California Coastal Zone

Figure 4.9-3 depicts the candidate sites within the Coastal Zone; they are as follows:

- Leucadia: Candidate Sites #2, #3, #7, #9, #AD7, #AD8
- Old Encinitas: Candidate Sites #5, #12, #AD9, #AD12
- Cardiff: Candidate Sites #1, #10
- New Encinitas: Candidate Sites #6, #11, #AD1, #AD6

Specific Plans

The City has adopted various Specific Plans throughout the City, including the North Coast Highway 101 Corridor and Encinitas Ranch Specific Plans, among others. Candidate sites located within a Specific Plan area are noted below and shown on Figure 4.9-4, *Specific Plans*:

LEUCADIA:

- North Coast Highway 101 Corridor Specific Plan: Candidate Sites #7, #AD7, #AD8
- Encinitas Ranch Specific Plan: Candidate Site #9

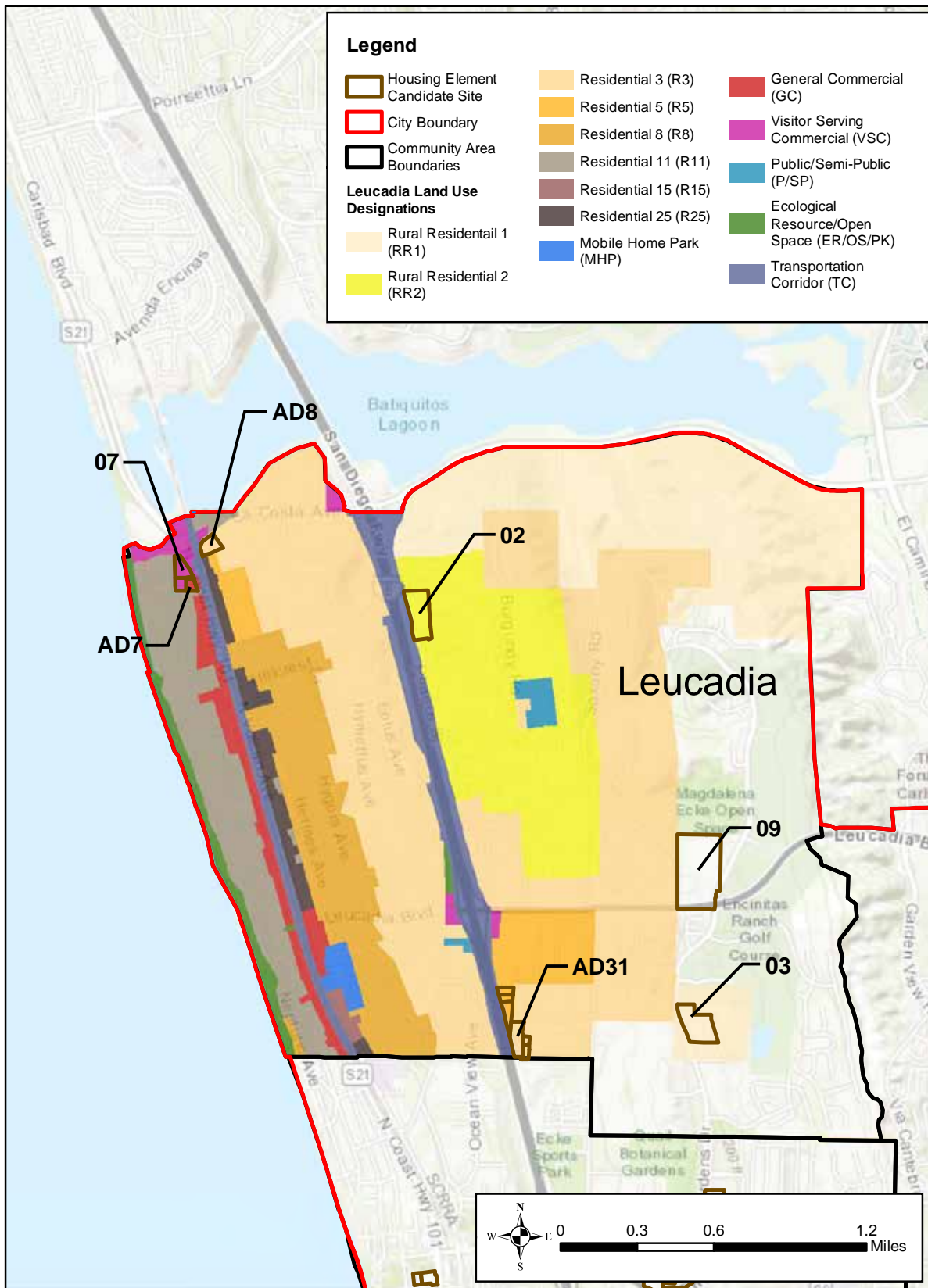
4.9.2 REGULATORY FRAMEWORK

2016 PEIR

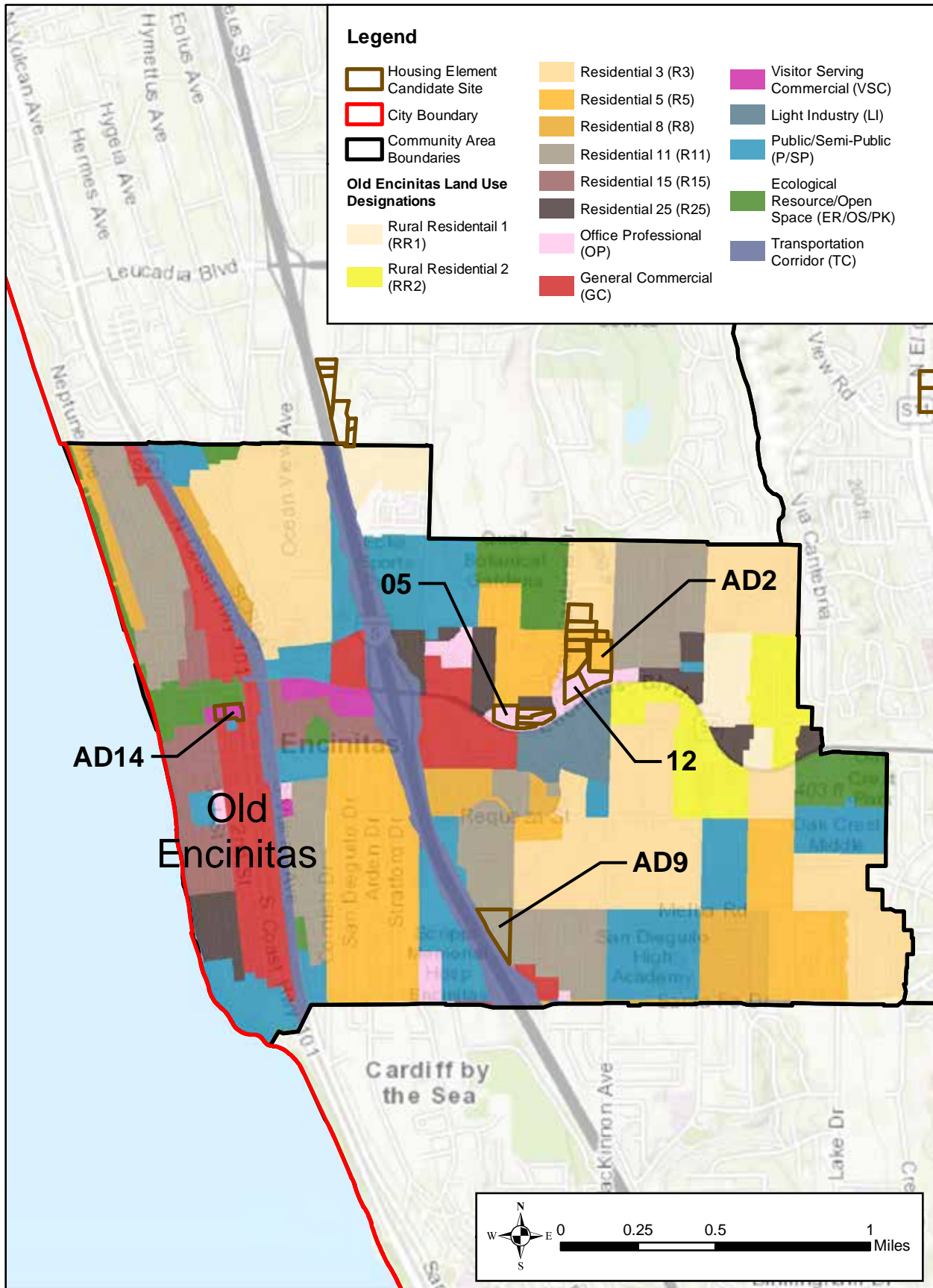
The regulatory framework concerning land use is discussed in 2016 PEIR Section 4.9.2 (pages 4.9-10 through 4.9-31) and the additions/changes necessary to make the 2016 PEIR applicable to the revised Project are presented below.

State Density Bonus Law

As set forth in Government Code (GOV) § 65915, *State Density Bonus Law (SDBL)*, is a voluntary program for developers that requires cities and counties to provide a density bonus and certain other regulatory incentives “when an applicant for a housing development seeks and agrees to construct a housing development” that provides for a certain amount of affordable housing (GOV 65915(b)(1)).

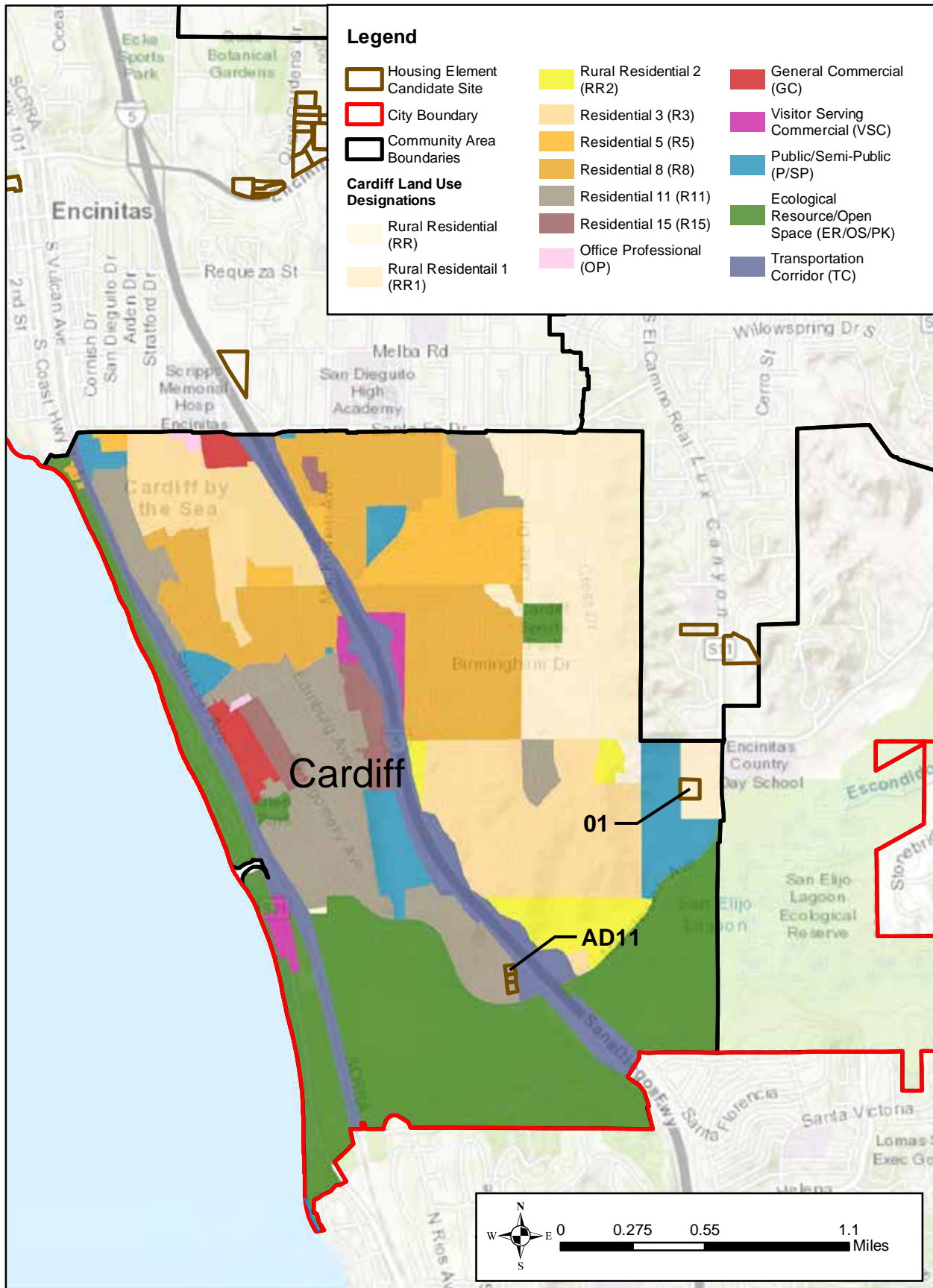


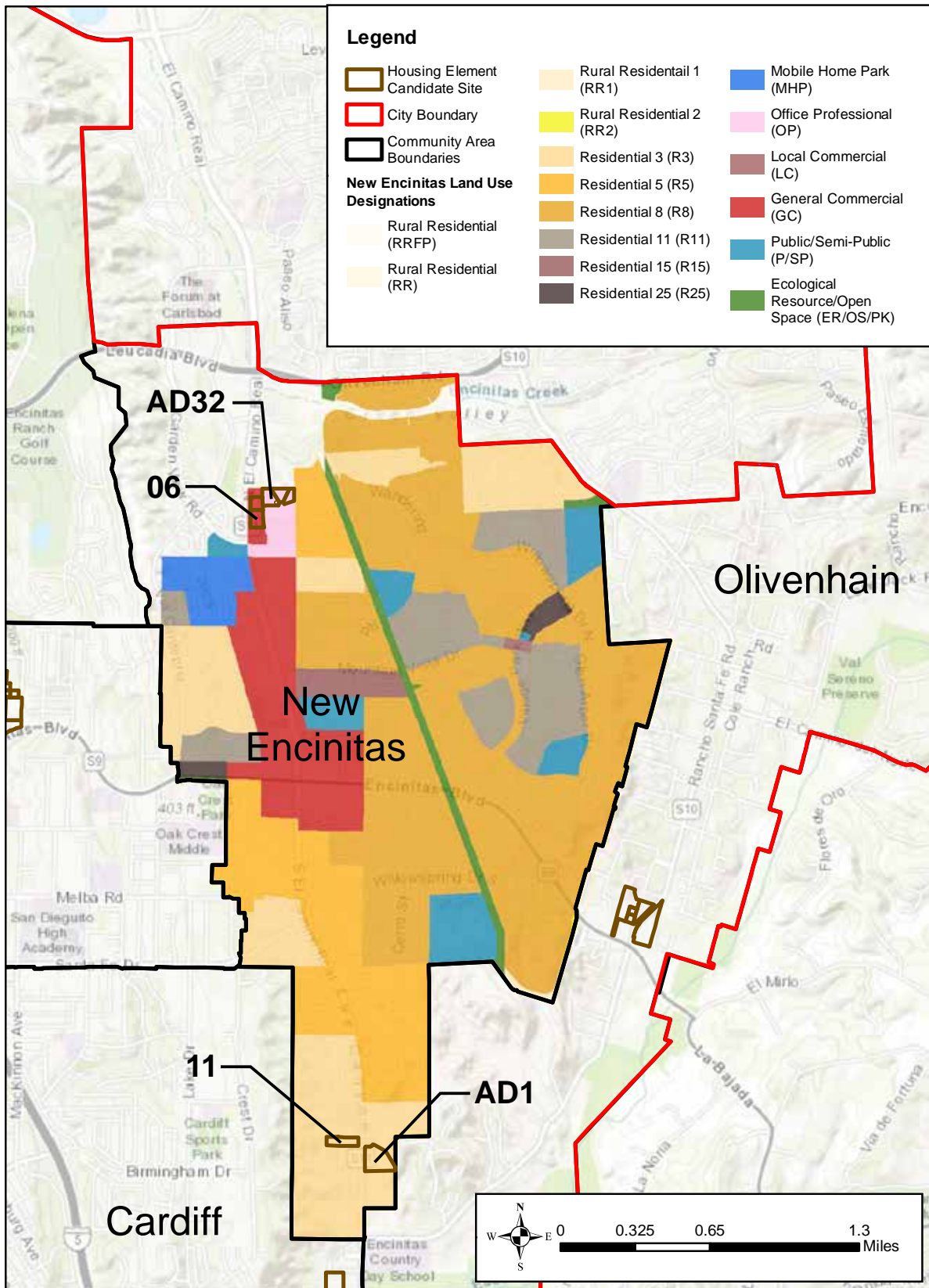
Note: SP-3 and SP-1 land use designations were deleted from the feature class. They were initially copied directly from the zoning layer, but after checking with Diane Langager she clarified that because Encinitas Ranch was annexed to the City, there was never a land use designation given to this area. Thus, there is no land use for these two specific plans.
 Source: City of Encinitas, GIS.



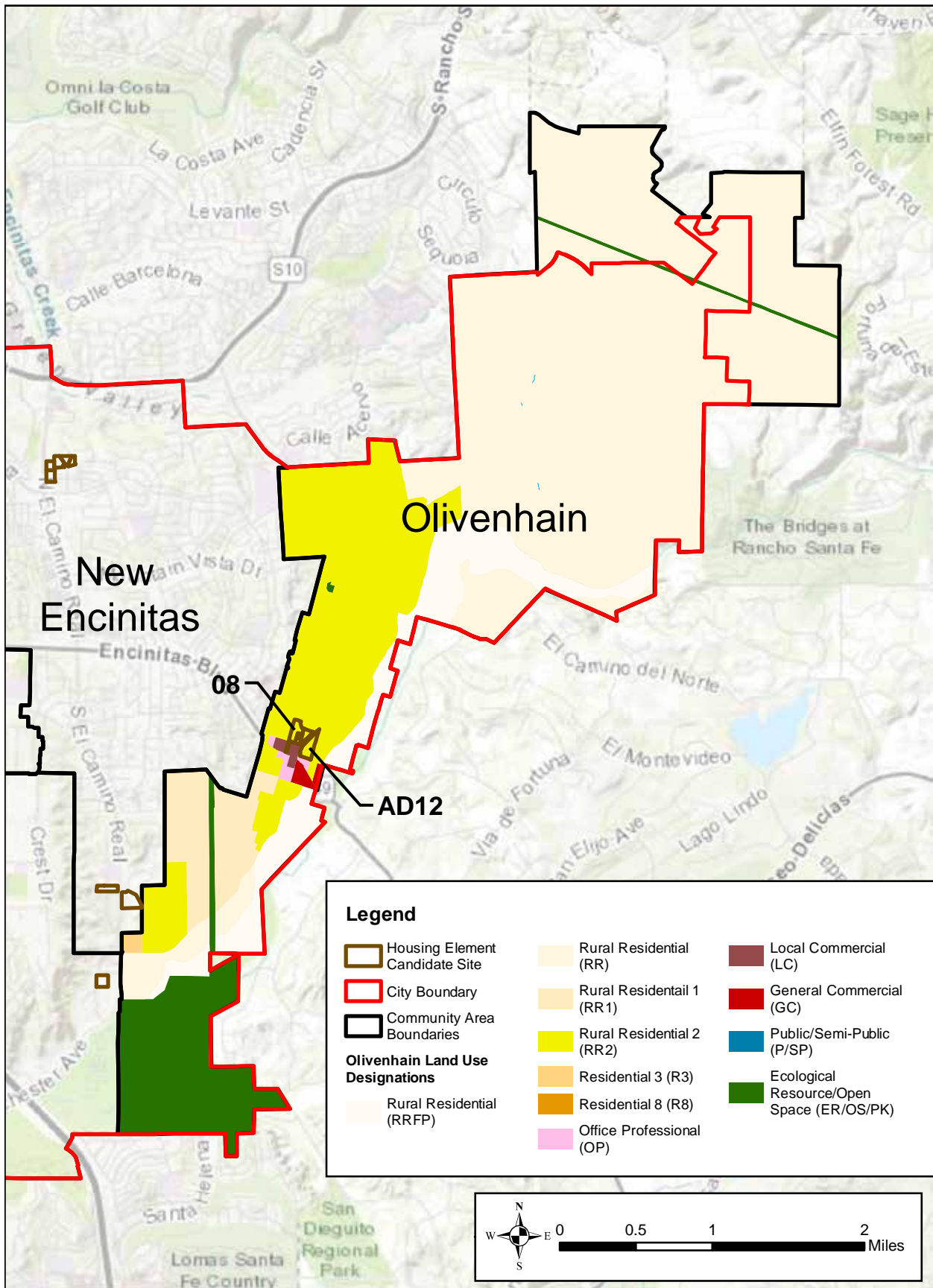
Source: City of Encinitas, GIS.



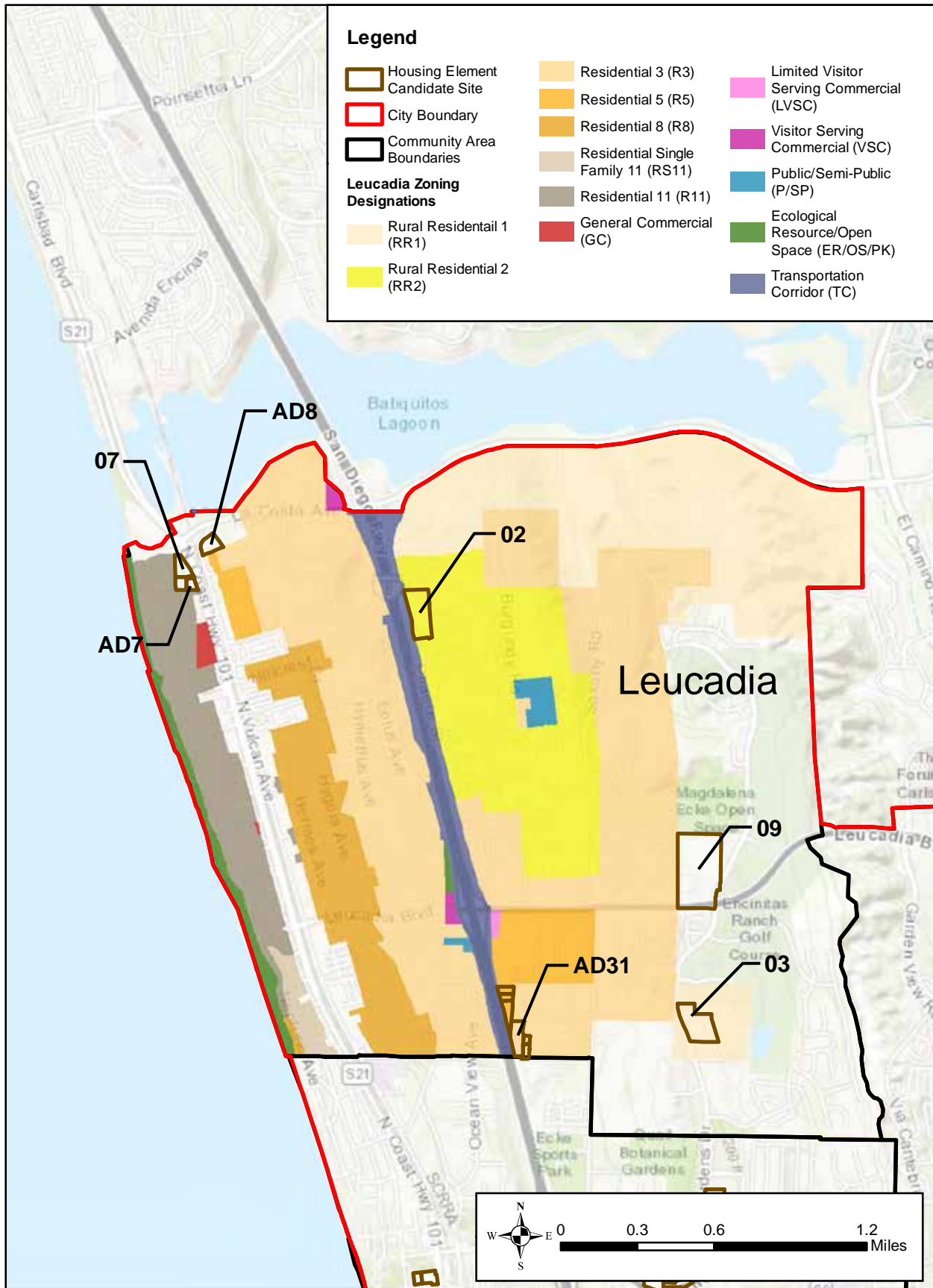


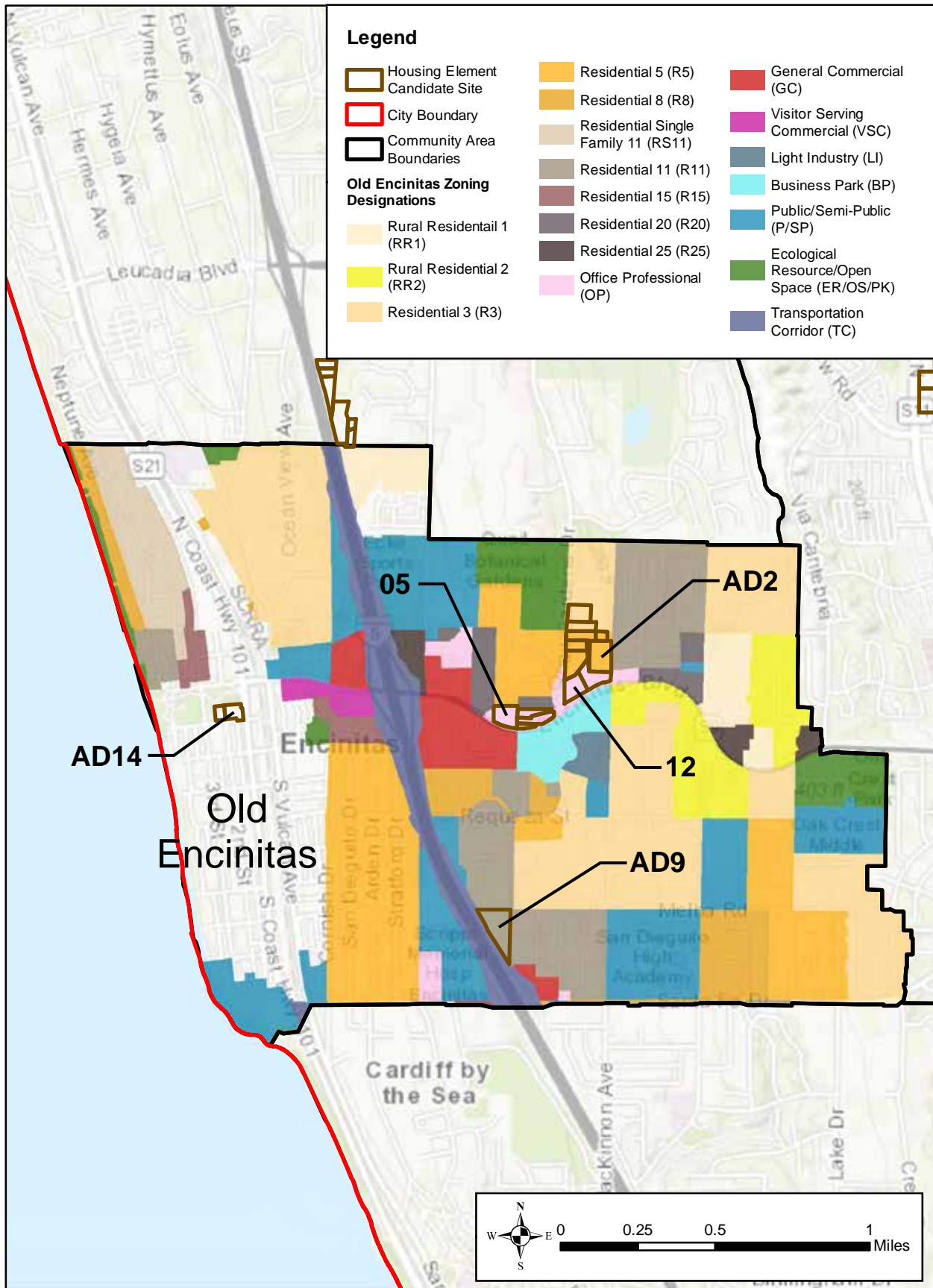


Note: SP-3 and SP-1 land use designations were deleted from the feature class. They were initially copied directly from the zoning layer, but after checking with Diane Langager she clarified that because Encinitas Ranch was annexed to the City, there was never a land use designation given to this area. Thus, there is no land use for these two specific plans.
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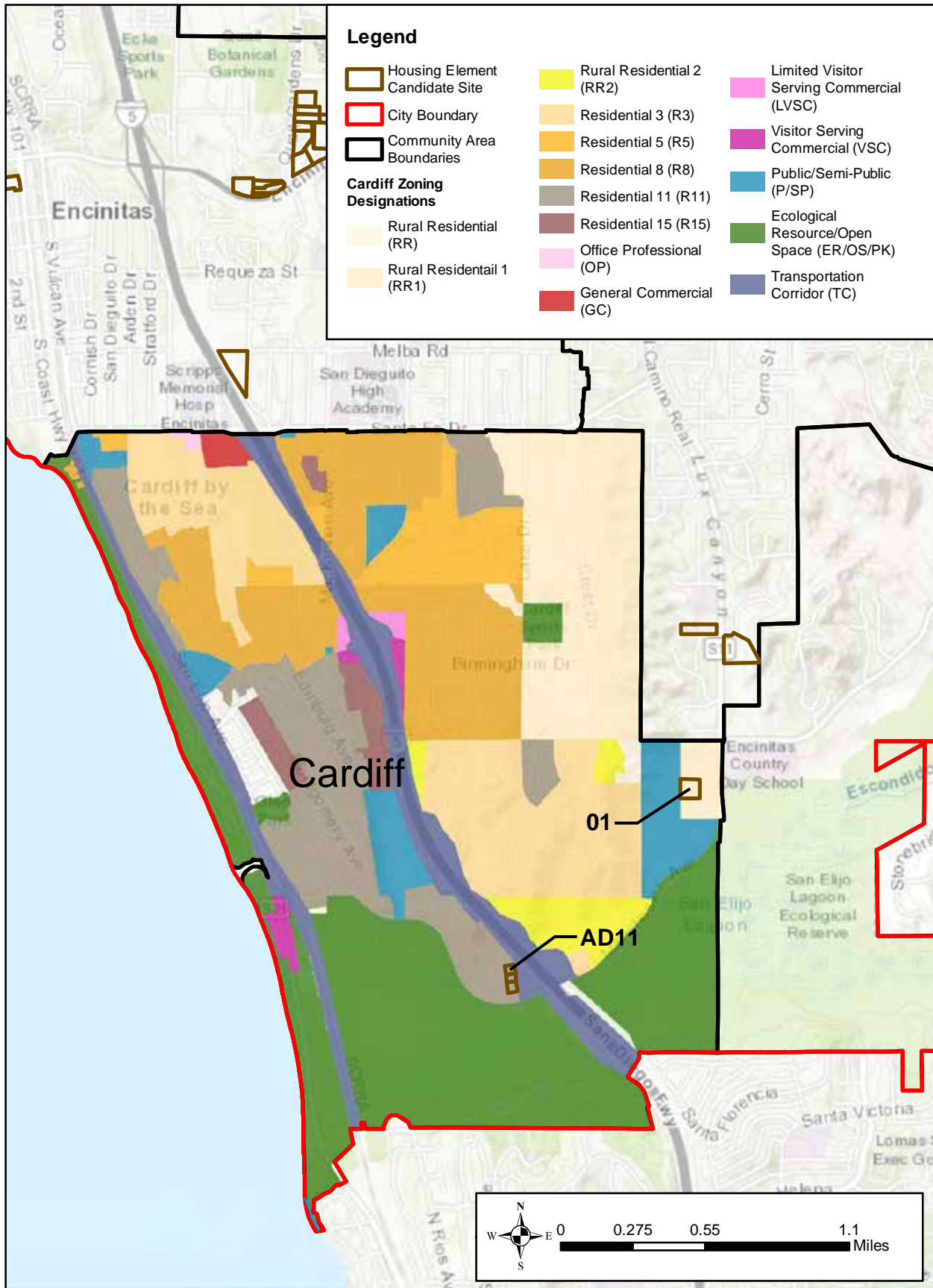


Source: City of Encinitas, GIS.



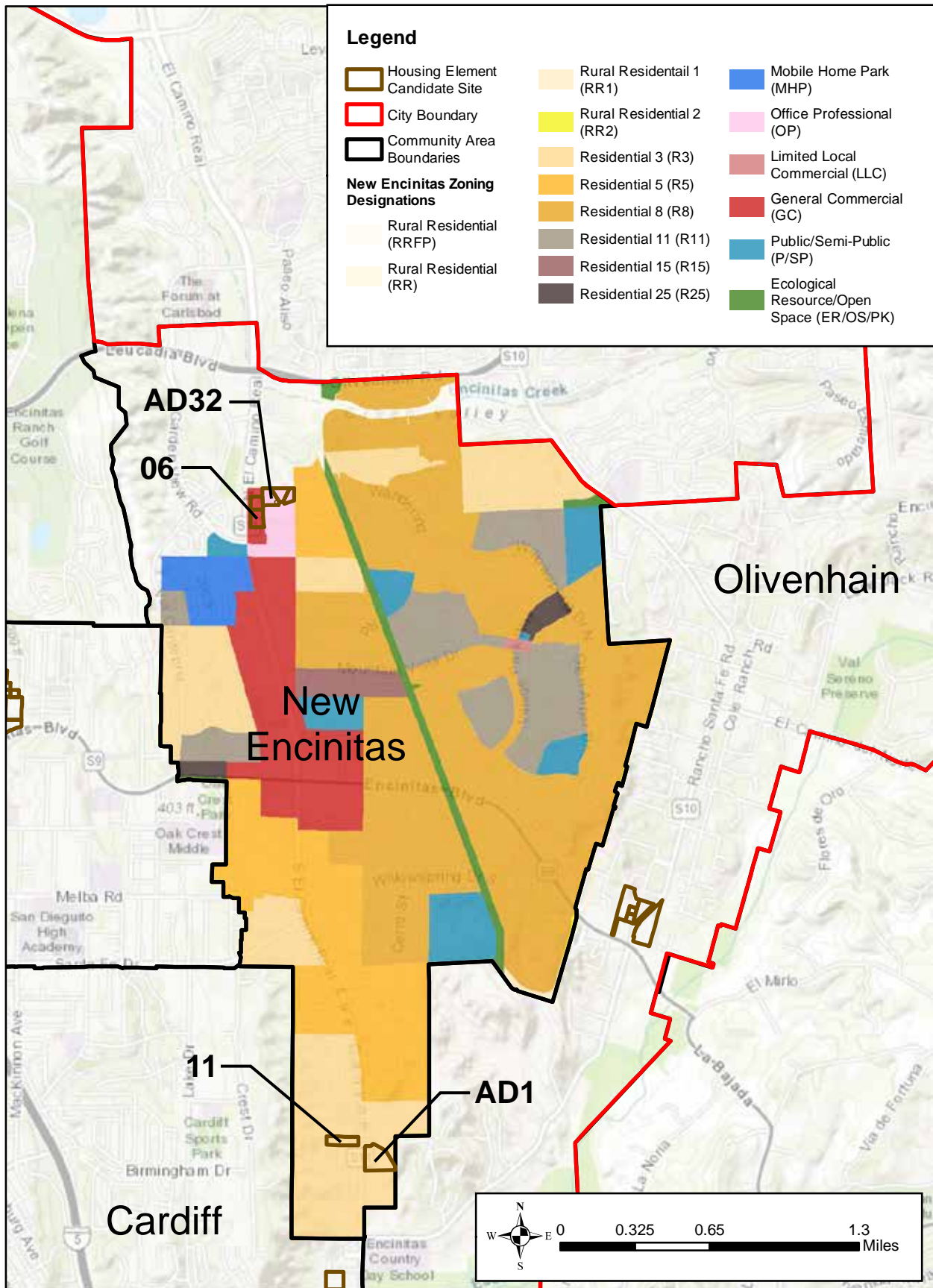


Source: City of Encinitas, GIS.

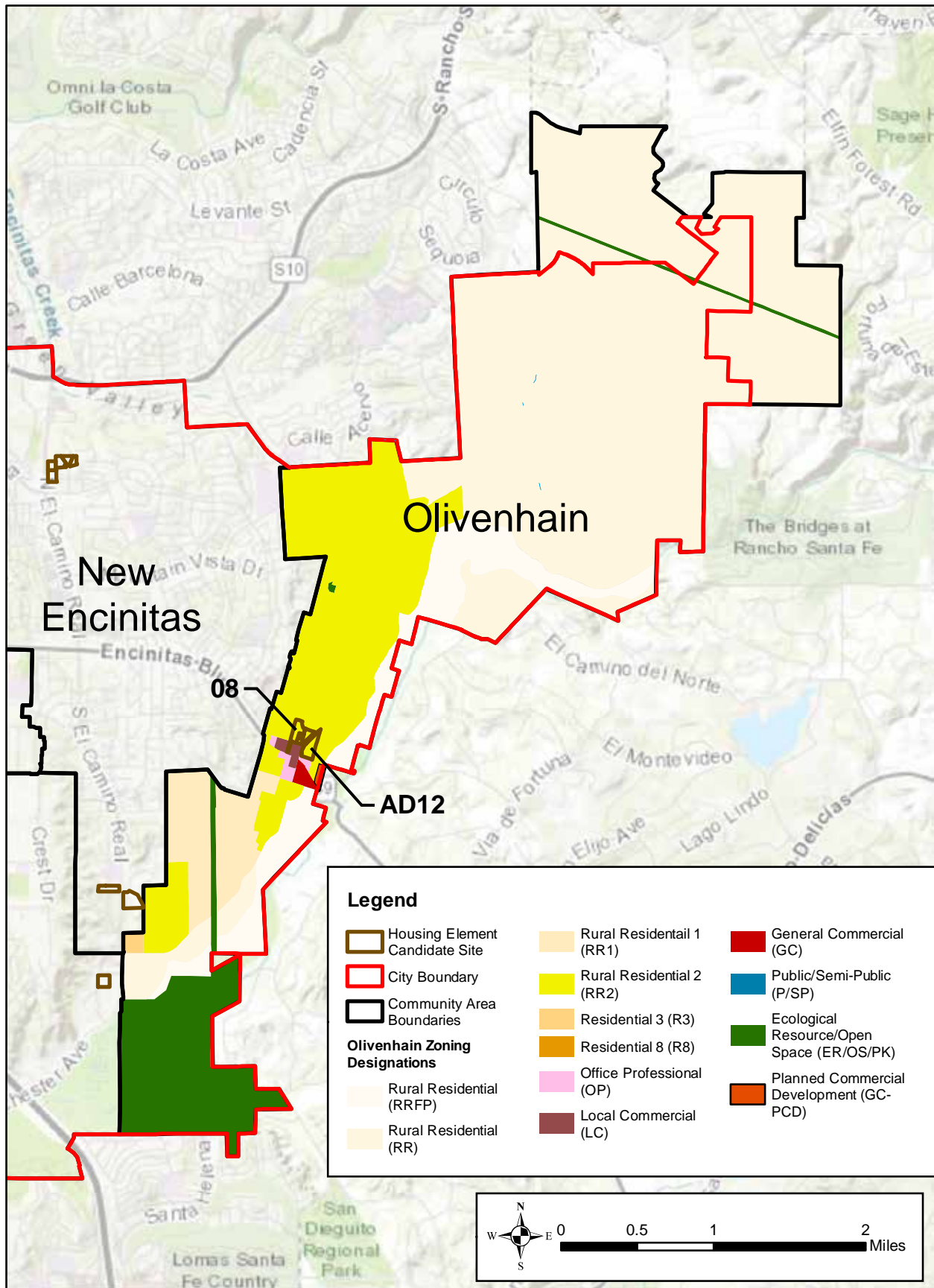


Source: City of Encinitas, GIS.



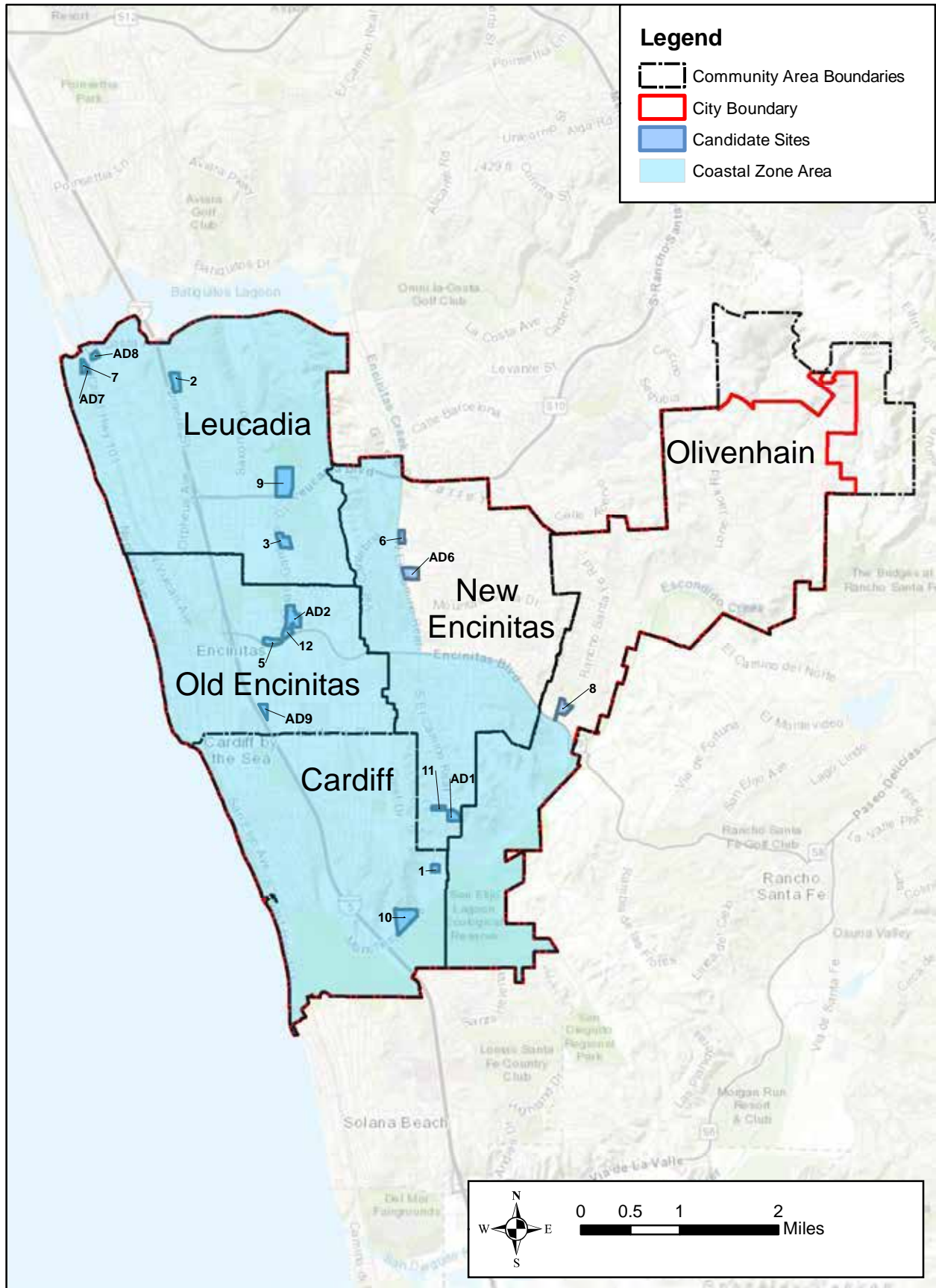


Source: City of Encinitas, GIS.

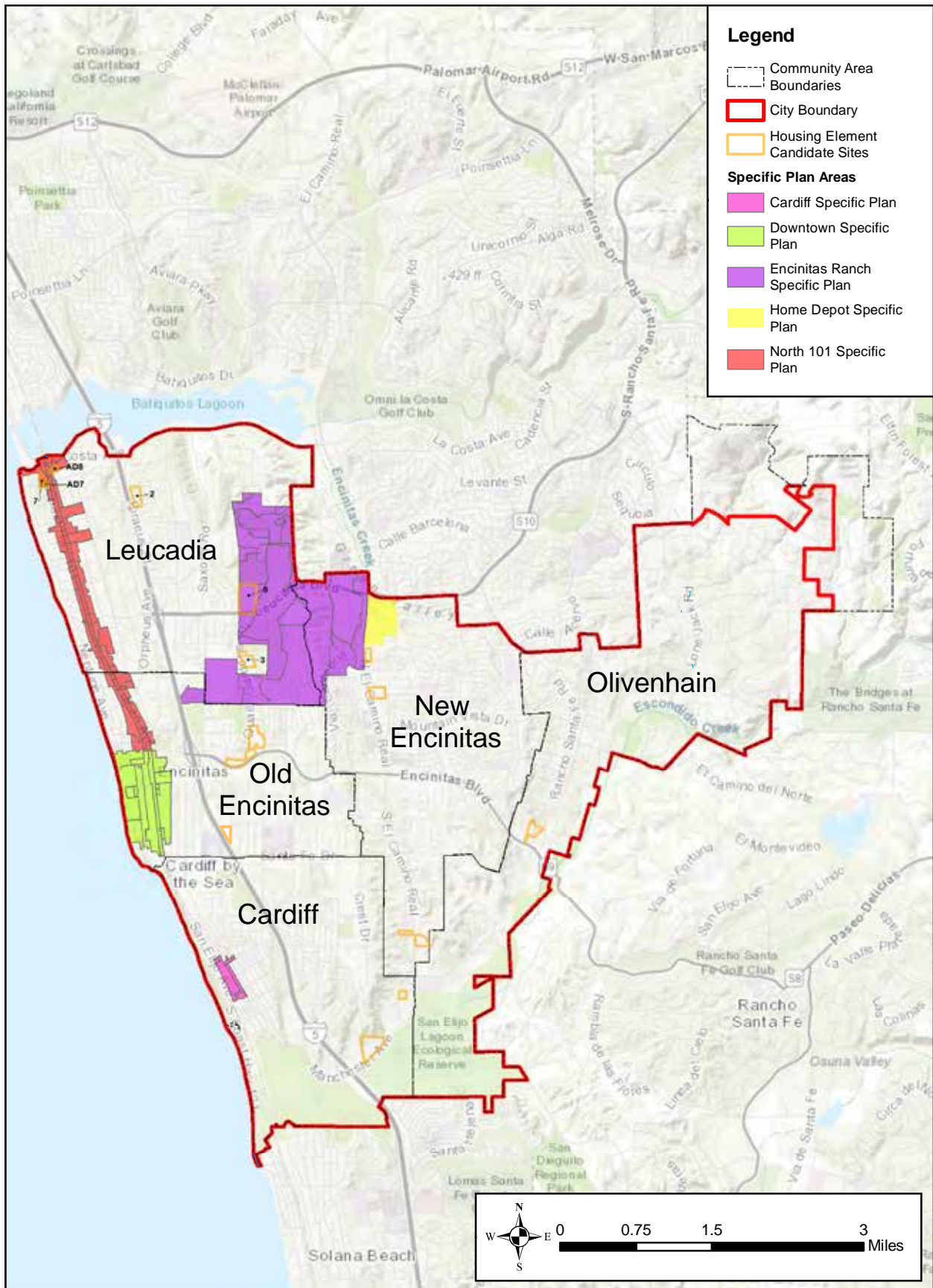


Source: City of Encinitas, GIS.





Source: City of Encinitas, GIS.



Source: City of Encinitas, GIS.

The City provides a density bonus for inclusionary units when they also meet State density bonus law requirements. As of December 31, 2017, the City had approved 27 projects that included 49 affordable units. In the 10-year period between 2003 and 2013, 68 percent of all units were approved under density bonus subdivisions. Further, in all cases, the number of density bonus units at least equaled or exceeded the number of inclusionary affordable units required for the project.

The City's density bonus ordinance was amended for consistency with the 2015 State density bonus law amendments.

California Code of Regulations Title 24 Interior Noise Building Standards

California Code of Regulations (CCR) Title 24, *Interior Noise Building Standards* was published July 1, 2016, with an effective date of January 1, 2017.

Inclusionary Housing

The City's inclusionary housing program requires housing developers of ten or more DU to reserve 10 percent of the units for low or very-low income households, or pay an in-lieu fee, if approved by the City Council. As of December 31, 2017, 146 low and very-low income units have been provided.

City of Encinitas General Plan

PROPOSITION A – VOTER'S RIGHT INITIATIVE

Proposition A was adopted by voters in 2013 and requires voter approval of land use changes. Proposition A requires an affirmative vote of the people when publicly or privately initiated changes are proposed to increase the currently allowed intensity or density of development (e.g., increasing the allowable number of DU or increasing the allowable commercial square footage). Proposition A also modified the City's building height standards. Citywide, Proposition A restricts the height of any structure to the lower of two stories or 30 feet. In cases where the existing codes specify a different maximum height standard, the more restrictive requirements apply. Each of the City's land use designations provides density range regulations for how a property can be developed. In November 2016, as required by Proposition A, the City placed the then proposed Housing Element and related EGP and Zoning Amendments on the ballot as Measure T. Measure T was not approved by the voters. Refer to Section 3.2.2, *Project History*.

4.9.3 SIGNIFICANCE DETERMINATION THRESHOLDS

Consistent with the 2016 PEIR and in substantial conformance with CEQA Guidelines Appendix G, impacts related to land use and planning would be significant if the Project would:

- Conflict with any applicable land use plan or policy of an agency with jurisdiction over the Project (see Issue 1);
- Conflict with State Planning Initiatives (see Issue 2);
- Result in substantial neighborhood compatibility impacts associated with significant traffic, noise, or aesthetic impacts (see Issue 3);
- Result in land use conflicts in relation to the proximity of housing to existing agricultural uses/commodity sites (i.e., indirect impacts associated with pesticides, fugitive dust, noise, etc.) (see Issue 4);

- 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 (see Issue 4);
- 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? (see Issue 4)
- Result in exposure of persons to noise levels in excess of standards established in the local General Plan (see Issue 5).

4.9.4 IMPACTS AND MITIGATION MEASURES

4.9.4 - Issue 1: Land Use Plans or Policies Plan Consistency

Would the Project conflict with any applicable land use plan or policy of an agency with jurisdiction over the Project?

IMPACTS:

2016 PEIR

The potential impacts concerning land use and planning/land use plans or policies are discussed in 2016 PEIR Section 4.9.5 (Issue 1, pages 4.9-33 through 4.9-39). The 2016 PEIR identified that adoption of the Housing Element Update (HEU) would require an EGP Land Use Element Amendment, as well as other conforming EGP and Encinitas Municipal Code (EMC) amendments. The PEIR concluded that HEU implementation would be consistent with regional and local plans and policies. Impacts associated with conflicts with any applicable land use plan or policy would be less than significant. The following plans and policies were addressed in the 2016 PEIR:

San Diego Forward

The 2016 PEIR concludes that the HEU would be consistent with the relevant San Diego Association of Governments (SANDAG) policies, including the principles of sustainability and smart growth as set forth in SANDAG's *Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)*. The HEU was found to comply with the 2050 RTP/SCS and San Diego Forward objectives. The San Diego Forward Plan identifies developable sites based on multiple factors: livability; proximity to jobs, transit and activity centers; preserve environmentally sensitive resources; and fit as part of a cohesive community. The 2016 PEIR concluded that providing for additional development within the housing sites would help accommodate anticipated housing needs, while conforming to the principles of regional growth as contained in SANDAG planning documents. The 2016 PEIR concluded the HEU would be consistent with all regional plans; no impacts were identified.

City of Encinitas General Plan and Local Coastal Program

As set forth by State law, the EGP serves as the primary land use planning document for the City and all subordinate plans and implementing ordinances are required to be consistent with the EGP. Approximately two-thirds of the City is in the Coastal Zone. Therefore, in addition to the EGP, the City also maintains the Local Coastal Program (LCP) which goals and policies are directly related to California Coastal Act requirements. The 2016 PEIR noted that several housing sites were in the Coastal Zone and would be subject to LCP policies.

The 2016 PEIR Appendix M identified all EGP goals and policies and evaluated the HEU for consistency. The 2016 PEIR identified goal and policy conflicts, which were associated with land use, however, would be resolved through proposed goal and policy language amendments, reducing impacts to less than significant. Concerning the EGP Circulation Element, the HEU was determined to be consistent with circulation policies. It was noted that a statement of overriding considerations would be adopted to demonstrate that overriding public benefits (Circulation Element Policies 1.3 and 2.19) would outweigh traffic impacts.

The 2016 PEIR identified that the Noise Element was being updated to provide standards more consistent with interior attenuation provided by contemporary construction methods and mixed-use environments. The PEIR found that the HEU would be consistent with the updated Noise Element. The 2016 PEIR concluded that the HEU would be consistent with all EGP Public Safety Element, Recreation Element, and Resource Management Element goals and policies.

Specific Plans

Concerning the housing sites proposed within specific plan areas, the 2016 PEIR noted that the HEU included Downtown Encinitas Specific Plan, North 101 Corridor Specific Plan, and Cardiff Specific Plan amendments to allow for implementation of the HEU housing strategies. The HEU through application of various neighborhood and housing prototypes would seek to retain the character surrounding each housing site; therefore, the 2016 PEIR concluded the HEU would not conflict with the goals and policies of the noted specific plans; impacts were concluded to be less than significant.

City of Encinitas Zoning Code

The 2016 PEIR noted that discretionary actions included a Zoning Code Amendment and Zoning Code updates to implement the HEU. Specifically, the City proposed the creation of floating zones. Proposed zoning amendments also included a requirement for certain housing sites to obtain a Master Design Review Permit (MDP), which is a discretionary action. Development subject to a MDP would be required to meet certain findings regarding walkability, phasing and amenities, and conformance with the EMC and Housing Plan. The analysis concluded a less than significant impact in this regard.

City of Encinitas Design Guidelines

The design guidelines were proposed to illustrate principles for community compatibility requiring new construction to be tailored to the unique characteristics of each of the City's five communities. The design guidelines would have applied to the floating zones. The 2016 PEIR concluded that application of the floating zone with design guidelines would ensure new development under the HEU would be consistent with the EMC; impacts would be less than significant.

The additions/changes necessary to make the 2016 PEIR applicable to the revised Project are presented below.

REVISED PROJECT

City of Encinitas General Plan and Local Coastal Program

Amendments are proposed to the Land Use Element to accommodate lower income housing and provide consistency with the proposed Zoning Code Amendment discussed below. The EGP Land Use Element would be amended by changing: the land use designation boundaries shown on the Land Use Map; a

property's land use designation; and/or the Land Use Element text. General Plan Map Amendments are proposed on all 17 candidate sites to add an overlay designation to implement the land uses necessary to accommodate the City's remaining RHNA. The Land Use Element text would be amended to add a new overlay land use designation called *R-30 Overlay* to designate sites on the Land Use Map where it would be implemented by the proposed/new overlay zone (*R-30 Overlay*). The existing underlying EGP designation would remain on all 17 sites. Changes are necessary to define and otherwise permit by-right development in the R-30 Overlay Zone, as provided by EMC Chapter 30.36.

As discussed in Section 3.5.7.1, *Conforming Amendments*, and summarized below, other EGP elements were reviewed and amendments are proposed to ensure consistency with the EHE.

- Amend the Land Use Element for conformance and add language that supports the new zoning program.
- Amend Land Use Element Goals 2 and 4 for growth management program modification.
- Amend the Land Use Element Community Character and Voters' Rights Initiative portions to modify building height limitations and authority to grant land use change approvals in very specific circumstances.
- Amend the Land Use Element Community Character and Voters' Rights Initiative portions of EMC Chapter 30 to modify building height limitations and authority to grant land use change approvals in very specific circumstances.

State general plan law requires that all general plan elements and all parts be integrated, internally consistent, and compatible. While each general plan element is independent, the elements are also interrelated. Certain goals and policies of each element may also address subjects of other elements. Appendix F, *General Plan Consistency Analysis*, includes an assessment of the revised Project's consistency with applicable EGP policies. The analysis concludes that the Project would be consistent with the applicable EGP policies. Therefore, Project implementation would result in a less than significant impact concerning potential conflicts with relevant EGP policies.

As a part of the City's consideration of the revised Project, the City would submit to the voters a ballot measure for approval of this HEU, as well as General Plan and Zoning Code Amendments that may be necessary to permit the necessary densities. The applicability of Proposition A to the proposed HEU and related EGP and zoning approvals is the subject of current litigation in San Diego County Superior Court. The City will comply with any final judgment related to a vote on the proposed HEU and implementing actions. Proposition A would not impact the inventory of lands available in previous planning periods or the City's AB 1233 "carryover" analysis. The candidate sites identified in the inventory were available at full capacity throughout the 2005-2013 planning period.

Specific Plans

As previously noted, Candidate Sites #7, #AD7, #AD8 are within the North Coast Highway 101 Corridor Specific Plan and Candidate Site #9 is within the Encinitas Ranch Specific Plan. The Project proposes to amend the North 101 Specific Plan and Encinitas Ranch Specific Plan to establish a foundation for R-30 Overlay Zone implementation. Amendments would ultimately be determined by the registered voters, as required by Proposition A. Additionally, portions of the North 101 Corridor Specific Plan have mixed-use zones where residences are allowed. However, ground floor uses in a storefront location are limited to retail-serving uses only; or residential uses are permitted only above or behind a primary use. For mixed-use projects, the City proposes to amend zoning regulations to require ground floor commercial uses only at key locations or preference areas based on context or planning objectives to ensure future projects are

feasible and the desired community character is preserved. The City Council would determine key locations.

The North 101 Corridor Specific Plan Section 3.1.1(A)(4) requires that “all [new] residential detached and attached DU in residential-only developments must be constructed on a legally subdivided lot or must be subdivided to permit ownership of airspace in the form of a dwelling unit with an undivided share in common elements.” The City proposes to amend the North 101 Corridor Specific Plan to eliminate the airspace requirement for multi-family housing.

City of Encinitas Zoning Code

Amendments are proposed to EMC Title 30, *Zoning*, to rezone sufficient acreage to higher density residential to accommodate lower income housing. The Zoning Map and zoning regulations would be amended by changing: the zoning boundaries shown on the Zoning Map; a property’s zoning; and/or the regulation.

Zone Map amendments are proposed on the 17 candidate sites to add an overlay zone to implement the land uses necessary to accommodate the City’s remaining RHNA. EMC Chapter 30.34 would be amended to add a new overlay zone called *R-30 Overlay Zone* to zone sites on the Zoning Map. The existing underlying zone would remain on the candidate sites and the new R-30 Overlay Zone would allow the underlying zone’s permitted uses and development standards to continue. The R-30 Overlay Zone includes the new, overlying permitted uses and development standards, along with unique processes and findings, which would accommodate residential uses at up to 30 DU/AC. R-30 Overlay Zone adoption would occur concurrent with the approval of the other HEU components and would be ultimately determined by the registered voters, as required by Proposition A.

The proposed conforming Zoning Code amendments are discussed in Section 3.5.7.1 and summarized below.

- Amend EMC Chapter 23.08 to allow additional authority to grant permit.
- Amend EMC § 30.04.10 to add the R-30 Overlay Zone definition.
- Amend EMC § 30.34.30 to allow additional authority to grant permit.
- Amend EMC Chapter 30.72 to allow additional authority to grant permit.
- Add EMC Chapter 30.36 for the R-30 Overlay Zone.

City of Encinitas Design Guidelines

The City requires design review approval for most proposed developments. Unless exempt, residential projects must be consistent with the City’s design guidelines and comply with certain findings before they can be constructed. Among these findings is the requirement that the Project “would not tend to cause the surrounding neighborhood to depreciate materially in appearance or value” (EMC § 23.08.080). Under the Housing Accountability Act, the inability to make this subjective finding cannot be used by the City to deny or reduce the density of any residential development. However, future development that qualifies as a use by right would not be exempt from design review.

Other Planning Documents

Various other planning documents were reviewed for conformity and additional supporting amendments are proposed; see Section 3.5.7.2, *Ancillary Amendments*.

Conclusion

Project implementation would not conflict with applicable plans and policies identified above. Future development within the City would be subject to adopted EGP/Local Coastal Program and Specific Plan policies, as well as EMC processes that govern discretionary actions, including design review. The City would review future project applications for compatibility, policy consistency, applicable noise requirements, and require specific conditions as part of the approval process. Adoption of the new R-30 Overlay Zone would not alter the City’s adopted discretionary review process. Subsequent “by right” would not be subject to further CEQA review but would be subject to compliance with zoning standards, associated design guidelines, and mitigation, as applicable. This would ensure development is compatible with land use designations, and consist with the context of each neighborhood’s character.

GENERAL PLAN POLICIES AND MITIGATION MEASURES:

GENERAL PLAN POLICIES:

The proposed HEU contains the goals and policies the City intends to implement to address various important housing-related issues. The following three major issue areas are addressed by the EHE goals and policies: ensure that a broad range of housing types are provided to meet the needs of both existing and future residents; ensure that housing is both sound and safe for occupants; and ensure that the existing housing stock is maintained and preserved. Additionally, future development would be subject to compliance with the EGP policies noted below, which would avoid/lessen potential conflicts with applicable land use plan/policies. Refer to Appendix E, *Relevant General Plan Policies*, for the full text of these policies.

- LUE Policy 1.2
- LUE Policy 1.12
- LUE Policy 1.14
- LUE Policy 2.3
- LUE Policy 2.11
- LUE Policy 3.1
- LUE Policy 3.2
- LUE Policy 3.6
- LUE Policy 3.7
- LUE Policy 3.8
- LUE Policy 3.9
- LUE Policy 3.12
- LUE Policy 6.6
- LUE Policy 8.4
- LUE Policy 9.1

MITIGATION MEASURES:

No mitigation measures for Issue 1 were identified in 2016 PEIR Section 4.9.6 and none are necessary for the Project.

LEVEL OF SIGNIFICANCE: Less Than Significant Impact

4.9.4 - Issue 2: State Planning Initiatives

Would the Project conflict with State Planning Initiatives?

IMPACTS:

2016 PEIR

The potential impacts concerning compliance with State planning initiatives are discussed in 2016 PEIR Section 4.9.6 (Issue 2, pages 4.9-39 through 4.9-43).

Regional Housing Needs Assessment (RHNA)

The 2016 PEIR noted that SANDAG adopted the final RHNA Plan for the fifth housing element cycle on October 28, 2011. The RHNA identified the City had a housing deficit of 1,283 low- and very-low income DU. State law requires that jurisdictions demonstrate in the Housing Element that the land inventory is adequately zoned to accommodate that jurisdiction's share of the regional growth. To address its housing deficit, the City developed three housing strategies, which identified housing sites that could be considered for rezoning to accommodate the City's future housing needs. The 2016 PEIR concluded the City's remaining RHNA allocations would be met through any one of the three housing strategies.

Goals, Policies, and Implementation Programs

State Housing Element law (GOV § 65300.5) requires internal consistency between all general plan elements. As part of the HEU, the EHE goals, policies, and objectives were reviewed in the context of the rest of the EGP adopted elements. The 2016 PEIR identified updated goals and policies intended to reflect changes in State law and circumstances, as well as EHE implementation programs to demonstrate how the City intended to implement goals and policies.

Housing Plan

As required by State Housing Element law, the HEU included a Housing Plan to facilitate and encourage the provision of housing consistent with the RHNA allocation. The 2016 PEIR concluded the HEU would be consistent with State Housing Element law requirements. Analysis concluded approval of any of the housing strategy maps would provide adequate housing sites to meet the City's RHNA allocation. The 2016 PEIR concluded the HEU contained all the required component parts and would not conflict with any State Housing Element law mandates.

SB 743

Senate Bill (SB) SB 743 promotes changes in the process of evaluating transportation impacts as part of CEQA compliance. Overall, SB 743 expresses the need to evaluate transportation impacts based on land use efficiency rather than road capacity. The 2016 PEIR noted that although implementation of development consistent with the HEU would degrade vehicular levels of service (LOS) on several roadway segments and intersections, implementation would result in lower vehicle miles traveled (VMT) per capita and higher land use efficiency as suggested by SB 743. Therefore, the 2016 PEIR found that the HEU would be consistent with intent of SB 743 and no impact would occur.

The additions/changes necessary to make the 2016 PEIR applicable to the revised Project are presented below.

REVISED PROJECT

Under State Housing Element law, the revised Project must include programs that address six housing-related categories, as outlined below and addressed in greater detail in Section 3.0, *Project Description*.

Adequate Sites Inventory [GOV §§ 65583(a)3 and 65583(c)1]. A jurisdiction must identify actions/programs that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services/facilities to accommodate the City's share of regional housing need for each income level.

Affordable Housing [GOV §§ 65583(a)7 and 65583(c)2]. A jurisdiction must show how it intends to assist in the development of adequate housing to meet the needs of extremely low-, very-low, low, and moderate-income households.

Mitigation of Constraints [GOV §§ 65583(a)5 and 65583(c)3]. A jurisdiction must address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities.

Conservation [GOV § 65583(c)4]. A jurisdiction must conserve and improve the condition of the existing affordable housing stock.

Equal Housing Opportunities [GOV § 65583(c)5]. A jurisdiction must promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, family status, or disability.

At-Risk Housing [GOV § 65583(a)9]. A jurisdiction must preserve for lower income households the assisted housing developments that are at risk of becoming homeless.

The following addresses City actions proposed to make sites available during the planning period with appropriate EGP, Specific Plan, zoning and development standards, and with services/facilities to accommodate the City's share of RHNA allocation for each income level.

Regional Housing Needs Assessment (RHNA)

The City's RHNA allocation, including the current/Fifth Cycle and carryover from the previous/Fourth Cycle, is 2,606 DU. The City's remaining RHNA allocation, after credits for new units approved, permitted, and/or built, is 1,594 DU (see Table 3-2). Of this total number of units, 1,220 DU are in the low-/very-low income category and 409 DU are in the moderate-income category. The City has nearly met its total RHNA allocation for the above moderate-income category. Since the City has adequate capacity to accommodate the moderate and higher income housing RHNA categories, no General Plan, Zoning Code, or Specific Plan Amendments are needed or proposed for properties that are already designated/zoned for this type of housing.

The City is committed to providing adequate sites with appropriate zoning to accommodate the remaining RHNA allocation for all income levels, as required by State Housing Element law. As required by State Housing Element law, the proposed HEU includes a Housing Plan to facilitate and encourage the provision of housing consistent with the RHNA allocation. As such, the Project evaluated in this EA includes the 17 low- and very-low income candidate sites. Approval would provide adequate housing sites to meet the City's RHNA. The proposed HEU would be consistent with State Housing Element law requirements and a less than significant impact would occur in this regard.

If approved, it is anticipated the General Plan, Zoning Code, and Specific Plan Amendments proposed under Program 1A would be placed on the November 2018 ballot for voter approval. If approved by the voters, the proposed changes would be submitted to the California Coastal Commission.

Inclusionary Housing

The City's inclusionary housing program requires housing developers of ten or more DU to reserve ten percent of the units for low or very-low income households, or to pay an in-lieu fee if approved by

the City Council. As of December 31, 2017, 146 low and very-low income units have been provided. The City proposes to update their Inclusionary Housing Ordinance to more effectively meet the City's affordable housing goals and grant developers' greater flexibility in how they fulfill their inclusionary housing requirement. With the 2017 adoption of AB 1505, the City can require inclusionary units in rental projects, as well as for-sale projects. Therefore, the Project would comply with this requirement and a less than significant impact would occur in this regard.

State Density Bonus Law

Many developers in the City use the State Density Bonus Law, and the City has a standard procedure for routinely processing density bonus applications as part of housing development applications. Projects that meet the City's inclusionary requirements are eligible for density bonuses. The City's implementing ordinance (EMC § 30.16.020.C, *Density Bonus Regulations*) is consistent with the current Government Code and is proposed to be amended for consistency with the most recent State Density Bonus Law amendments enacted in 2015.

Conclusion

In summary, implementation of the Project would be consistent with State planning initiatives. Impacts would be less than significant.

GENERAL PLAN POLICIES AND MITIGATION MEASURES:

GENERAL PLAN POLICIES:

The proposed Housing Element Update contains the goals and policies the City intends to implement to address various important housing-related issues. The following three major issue areas are addressed by the goals and policies of the Housing Element: ensure that a broad range of housing types are provided to meet the needs of both existing and future residents; ensure that housing is both sound and safe for occupants; and ensure that the existing housing stock is maintained and preserved. Additionally, future development would be subject to compliance with the EGP policies outlined below, which would avoid/lessen potential conflicts with State planning initiatives. Refer to Appendix E, *Relevant General Plan Policies*, for the full text of these policies.

- LUE Policy 1.2
- LUE Policy 1.12
- LUE Policy 1.14
- LUE Policy 2.3
- LUE Policy 2.11
- LUE Policy 3.1
- LUE Policy 3.2
- LUE Policy 3.6
- LUE Policy 3.7
- LUE Policy 3.8
- LUE Policy 3.9
- LUE Policy 3.12
- LUE Policy 6.6
- LUE Policy 8.4
- LUE Policy 9.1

MITIGATION MEASURES:

No mitigation measures for Issue 2 were identified in 2016 PEIR Section 4.8.6 and none are necessary for the Project.

LEVEL OF SIGNIFICANCE: Less Than Significant Impact

4.9.4 - Issue 3: Neighborhood Compatibility

Would the Project result in substantial neighborhood compatibility impacts associated with significant traffic, traffic, noise, or aesthetics impacts?

IMPACTS:**2016 PEIR**

The potential impacts concerning land use and planning/neighborhood compatibility are discussed in 2016 PEIR Section 4.9.7 (Issue 3, pages 4.9-43 through 4.9-46). concerning traffic, the 2016 PEIR concluded that HEU implementation would allow development of new residential and mixed-uses throughout the City resulting in a significant impact relative to the LOS of existing roadways and intersections. The 2016 PEIR concluded neighborhood incompatibility impacts from such traffic generation would be significant and unavoidable.

Concerning noise, the 2016 PEIR compared future noise levels without the HEU to future noise levels with HEU buildout. The HEU's increase in ambient noise would be less than 3 decibels adjacent to all roadway segments. The 2016 PEIR concluded impacts would be less than significant. The PEIR also addressed development of new residential uses adjacent to existing commercial uses, or in the context of the mixed-use sites within the same structure as noise-generating commercial uses. Noise levels resulting from existing and proposed noise-generating uses (i.e., commercial uses) could expose new noise-sensitive uses to noise levels in excess of the City's standards. The potential for neighborhood incompatibility impact from such noise generation was determined to be potentially significant, but would be reduced to less than significant with mitigation.

Concerning aesthetics, the 2016 PEIR noted that while the application of zoning regulations and design guidelines would allow most development to be compatible with the existing community characters throughout the City, development on three housing sites was concluded to result in significant impacts to community character. The 2016 PEIR concluded neighborhood incompatibility impacts from development of these housing sites would be significant and unavoidable.

The additions/changes necessary to make the 2016 PEIR applicable to the revised Project are presented below.

REVISED PROJECT

Compatibility can be defined as the characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict. Land use incompatibility can occur where dissimilarity among nearby uses result in significant noise levels/significant traffic levels, among other factors, such that project-related significant unavoidable direct and indirect impacts impede use of the existing land uses, as they were intended.

Concerning traffic, as concluded in Section 4.13, *Transportation and Traffic*, future development accommodated through HEU implementation would result in less than significant impacts to roadway and intersection levels of service, with mitigation incorporated. Therefore, consistent with the significance criteria set forth in the 2016 PEIR, the Project would result in less than significant neighborhood compatibility impacts from traffic generation. It is further noted, the 2016 PEIR assessed traffic impact based on Housing Strategy 3 (MMUP), because it involved the greatest MRY and would generate the greatest traffic volumes. Table 4.2-4, *Maximum Realistic Yield & Trip Generation Comparison*, compares

the revised Project's MRY and trip generation to the MMUP strategy's MRY and trip generation. As compared to the MMUP strategy's MRY, the Project's MRY represents a net decrease of 767 DU (-24% DU) and a net decrease of 1,610,066 SF of non-residential uses (-100% SF). As shown in Table 4.2-4, as compared to the MMUP strategy's trip generation, the revised Project would result in a 50.4 percent trip reduction. Thus, as compared to the MMUP strategy, the revised Project would result in less potential for land use incompatibilities concerning traffic volumes.

Concerning noise, as concluded in Section 4.10, *Noise*, the Project would result in less than significant impacts associated with ambient traffic noise levels. Noise level increases would be less than the 3-decibel adjacent to all study area roadway segments. Additionally, the Project would result in less than significant impacts associated with stationary noise sources following compliance with the Noise Abatement and Control Ordinance. Therefore, consistent with the significance criteria set forth in the 2016 PEIR, the Project would result in less than significant neighborhood compatibility impacts from mobile and stationary noise sources. It is further noted, because the revised Project would result in a 50.4 percent trip reduction, as compared to the MMUP strategy's trip generation, the Project's mobile noise levels would be proportionately less.

Concerning aesthetics, the Project's potential visual effects on community character are assessed in Section 4.1, *Aesthetics*, Issue 4. Despite compliance with the established regulatory framework, future development on Candidate Sites #3 and #10 would be dissimilar to the existing neighborhoods and could negatively impact the neighborhoods' characters. Therefore, consistent with the significance criteria set forth in the 2016 PEIR, future development of Candidate Sites #3 and #10 would result in significant unavoidable neighborhood compatibility impacts from the Project's effects on visual character.

GENERAL PLAN POLICIES AND MITIGATION MEASURES:

GENERAL PLAN POLICIES

Refer to Section 4.1, *Aesthetics*, Section 4.10, *Noise*, and Section 4.13, *Transportation and Traffic*.

MITIGATION MEASURES:

Refer to Section 4.13, *Transportation and Traffic*. Section 4.1, *Aesthetics*, does not identify mitigation measures at this program-level of analysis.

LEVEL OF SIGNIFICANCE: Significant Unavoidable Impact

4.9.4 - Issue 4: Proximity to Agricultural Sites

Would the Project result in land use conflicts in relation to the proximity of housing to existing agricultural uses/commodity sites (i.e., indirect impacts associated with pesticides, fugitive dust, noise, etc.)?

Would the Project 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?

Would the Project 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?

IMPACTS:

2016 PEIR

The potential indirect impacts concerning the proximity of future development to existing agricultural uses/commodity sites were discussed in 2016 PEIR Section 4.9.8 (Issue 4, pages 4.9-46 and 4.9-47). The 2016 PEIR noted that the City does not have many agricultural operations; however, the City does have agricultural areas, composed primarily of greenhouses, throughout the central and eastern portions of the City. Two housing sites were identified as containing greenhouses; one site was identified as being adjacent to greenhouse sites. Development of these sites would require either demolition of the greenhouses or placement proximate to greenhouse operations. The 2016 PEIR concluded housing would be compatible with this type of agricultural use; no significant land use compatibility impacts would occur.

The additions/changes necessary to make the 2016 PEIR applicable to the revised Project are presented below.

REVISED PROJECT

The New Encinitas Candidate Site #6 is adjacent to agricultural uses. The following candidate sites contain or are adjacent to agricultural uses (see Figures 4.3-1a through 4.3-1e in Section 4.3, *Biological Resources*):

- Leucadia: Candidate Sites #3, #9, #AD8
- Old Encinitas: Candidate Sites #12, #AD2
- Cardiff: Candidate Site #10

The Farmland Mapping and Monitoring Program's map of San Diego County Important Farmland 2016 Sheet 1 of 2 designates most of the City as "Urban and Built-up Land." Candidate Site #3 is designated "Farmland of Local Importance," which is defined as "land that meets all the characteristics of prime and statewide, except irrigation." This housing site is a commercial greenhouse/nursery; commercial greenhouse operations are considered agricultural uses. This site is zoned RR (Rural Residential). Development of Candidate Site #3 would require either demolition of the greenhouses or placement proximate to greenhouse operations. Future conversion of Candidate Site #3 from a commercial nursery to a residential use is not considered a significant impact, given it would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and is not designated for agricultural use.

Candidate Site #10 is an approximately 16.9-acre site that is zoned RR (Rural Residential). A Land Evaluation and Site Assessment (LESA) was prepared for the property to determine the potential for impacts to agricultural resources associated with a development proposal. A LESA is a term used to define an approach for rating the relative quality of land resources based on specific measurable factors to evaluate the value of land for agricultural purposes. The LESA concluded that future development of Candidate Site #10 would have a less than significant impact on agricultural resources. No impact would occur in this regard.

Candidate Site #9 is designated "Unique Farmland," which is defined as "lesser quality soils used for the production of the State's leading agricultural crops. This land is usually irrigated but may include non-irrigated orchards or vineyards as ground in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date." The site is in use as a flower nursery. Candidate Site #9 is located within the Encinitas Ranch Specific Plan and is zoned ER-AG (Encinitas Ranch – Agriculture Zone). Future development of this site would require removal of agricultural

operations and conversion of Unique Farmland to non-agricultural use, as well as designation Zoning Amendment to add the R-30 Overlay. Based on the significance criteria, future development of Candidate Site #9 would result in a significant and unavoidable impact to agricultural resources. Mitigation Measure LU-1 requires that a LESA be prepared at the time development is proposed to determine whether the site's then current conditions would still render a finding of significant and unavoidable.

GENERAL PLAN POLICIES AND MITIGATION MEASURES:

GENERAL PLAN POLICIES

No EGP policies are applicable.

MITIGATION MEASURES:

No mitigation measures for Issue 4 were identified in 2016 PEIR Section 4.9.

LU-1 As part of the City's design review and entitlement process for Candidate Site #9, the City shall require the preparation of a Land Evaluation and Site Assessment (LESA) to determine the significance of development on agricultural resources. Should the LESA determine that site development would result in a significant impact to agricultural resources, the City shall determine if feasible mitigation is available. The absence of feasible mitigation shall not preclude development of Candidate Site #9 consistent with the Housing Element Update.

LEVEL OF SIGNIFICANCE: Significant Unavoidable Impact

4.9.4 - Issues 5: Noise/Land Use Compatibility

Would the Project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan?

IMPACTS:

2016 PEIR

The 2016 PEIR noted that all HEU housing sites would be affected by traffic noise. Noise levels would depend upon noise sources and the path from the source to the sensitive receptor. Buildings, walls, dense vegetation, and other barriers could potentially block the direct line of sight and reduce noise levels at the receptor. The 2016 PEIR concluded all housing sites would be adjacent to roadways or freeways that would generate noise levels in excess of the City's normally acceptable compatibility level of 60 Ldn. Additionally, many housing sites would be located adjacent to roadways or freeways that would generate noise levels greater than 70 Ldn, which exceeds the City's conditionally acceptable exterior noise compatibility level. The analysis concluded that site-specific exterior noise analyses would be required to demonstrate that the project would not place sensitive receptors in locations where the exterior existing or future noise levels would exceed the EGP noise compatibility guidelines. Because no specific projects were assumed in the 2016 PEIR, noise control measures could not be practically designed, and impacts were found to be potentially significant. Future projects would be required to demonstrate compliance with Title 24 requirements as a part of the permitting process. Therefore, interior noise impacts would be less than significant.

The additions/changes necessary to make the 2016 PEIR applicable to the revised Project are presented below.

REVISED PROJECT

As concluded in Section 4.10, *Noise*, the Project would result in less than significant impacts associated with ambient traffic noise levels. Noise level increases would be less than the 3-decibel adjacent to all study area roadway segments. Therefore, the Project would result in less than significant noise-related land use compatibility impacts from mobile noise sources. It is further noted, because the revised Project would result in a 50.4 percent trip reduction, as compared to the MMUP strategy's trip generation, the Project's mobile noise levels would be proportionately less.

GENERAL PLAN POLICIES AND MITIGATION MEASURES:

GENERAL PLAN POLICIES:

Refer to Appendix E, *Relevant General Plan Policies*, for the full text of these policies.

- NE Policy 1.1
- NE Policy 1.2
- NE Policy 1.4
- NE Policy 1.8
- NE Policy 2.1
- NE Policy 4.1

MITIGATION MEASURES: No mitigation is required.

LEVEL OF SIGNIFICANCE: Less Than Significant Impact

4.9.5 SIGNIFICANT UNAVOIDABLE IMPACTS

As concluded in Section 4.1, *Aesthetics*, despite compliance with the established regulatory framework, future development on Candidate Sites #3 and #10 would be dissimilar to the existing neighborhoods and could negatively impact the neighborhoods' characters. Therefore, future development of Candidate Sites #3 and #10 would result in significant unavoidable neighborhood compatibility impacts from the Project's effects on visual character. Future development of Candidate Site #9 would result in a significant unavoidable impact to agricultural resources.

4.9.6 SOURCES CITED

San Diego Association of Governments, Data Surfer Website. 2016 Estimates - Encinitas. March 9, 2017. Accessed May 1, 2018. Available at: <http://datasurfer.sandag.org/>.