4.3 BIOLOGICAL RESOURCES

The environmental setting, regulatory framework, potential impacts, and mitigation measures concerning biological resources are discussed in 2016 PEIR Section 4.3.1 and hereby incorporated by reference. The additions/changes to those analyses necessary to make the 2016 PEIR applicable to the revised Project are presented below.

This Section identifies the existing environmental conditions in the affected area, identifies and analyzes the Project's potential impacts to biological resources, and recommends measures to avoid/reduce the potentially significant construction and operational impacts. In addition, existing laws and regulations relevant to biological resources are described. In some cases, compliance with these existing laws and regulations would serve to avoid/reduce certain impacts that might otherwise occur with Project implementation. Information presented in this Section is based on a review of each candidate site in relation to the region's biological resources.

4.3.1 EXISTING ENVIRONMENTAL SETTING

2016 PEIR

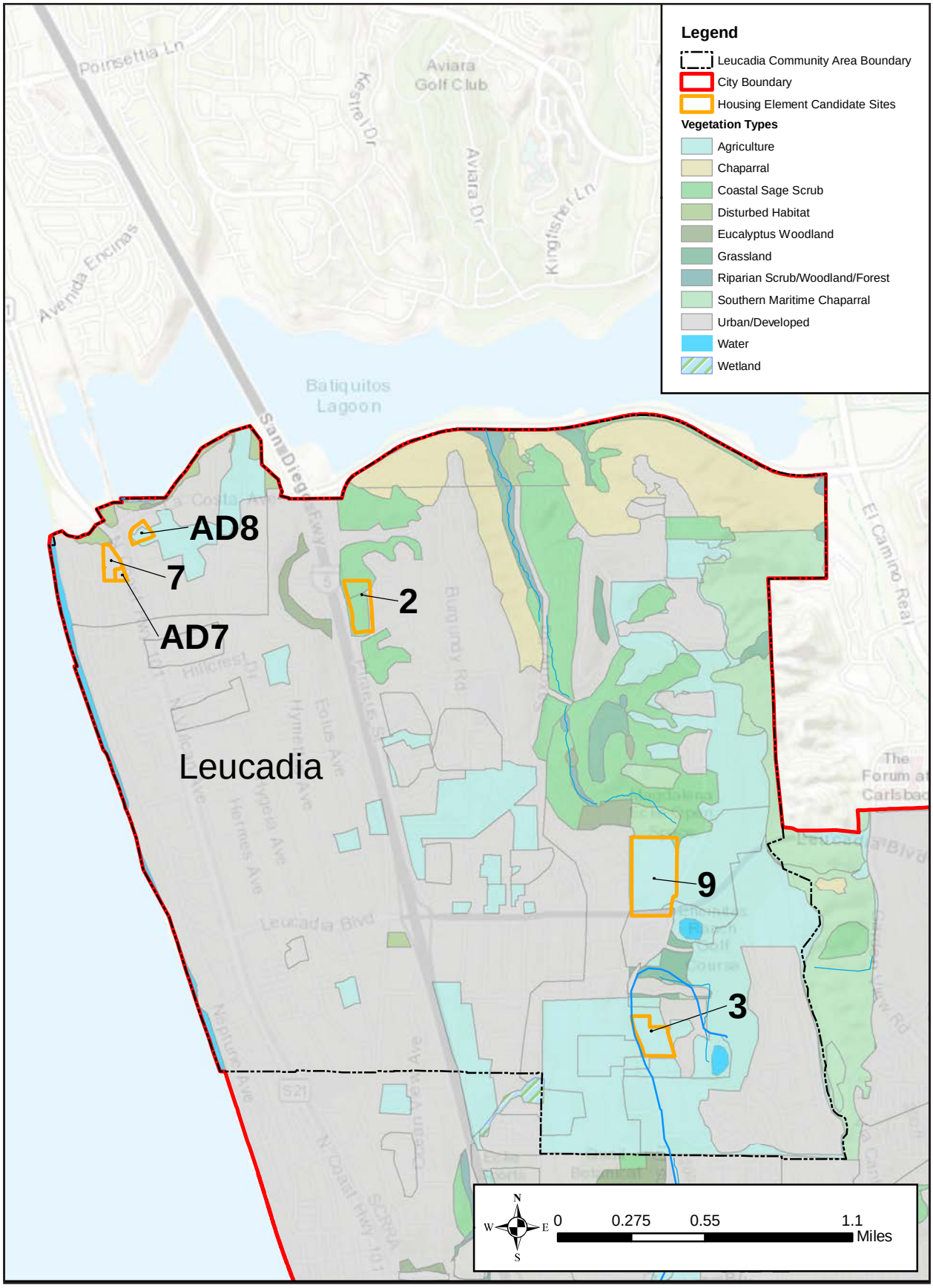
The existing environmental setting concerning biological resources is discussed in 2016 PEIR Section 4.3.1 (page 4.3-1) and the additions/changes necessary to make the 2016 PEIR applicable to the revised Project are presented below.

ADDITIONS/CHANGES SINCE 2016 PEIR

Botanical Resources

Figure 4.3-1a, *Existing Vegetation – Leucadia*, Figure 4.3-1b, *Existing Vegetation – Old Encinitas*, Figure 4.3-1c, *Existing Vegetation – Cardiff*, Figure 4.3-1d, *Existing Vegetation – New Encinitas*, and Figure 4.3-1e, *Existing Vegetation – Olivenhain*, illustrate the vegetation communities mapped within the candidate sites. Descriptions of the vegetation communities, which are based on the San Diego County terrestrial vegetation community descriptions, are provided in 2016 PEIR Section 4.3.1.1. The vegetation mapping is based on regional, large-scale mapping efforts conducted by SanGIS in 1995 for the Multiple Species Conservation Program. As site-specific surveys were not conducted in conjunction with this EA, the vegetation data contained herein is intended only as a tool. Individual site surveys would be required on a project-level basis, in accordance with the current regulatory framework.

Table 4.3-1, *Vegetation Communities*, presents the vegetation communities that are present on the candidate sites. As indicated in Table 4.3-1, coastal sage scrub is present on Candidate Sites #2, #5, #6, #10, and #AD1, southern maritime chaparral is present on Candidate Site #11, and wetlands are present on Candidate Sites #6 and #10. None of the candidate sites contain annual grasslands or riparian vegetation.



Source: RECON, GIS.

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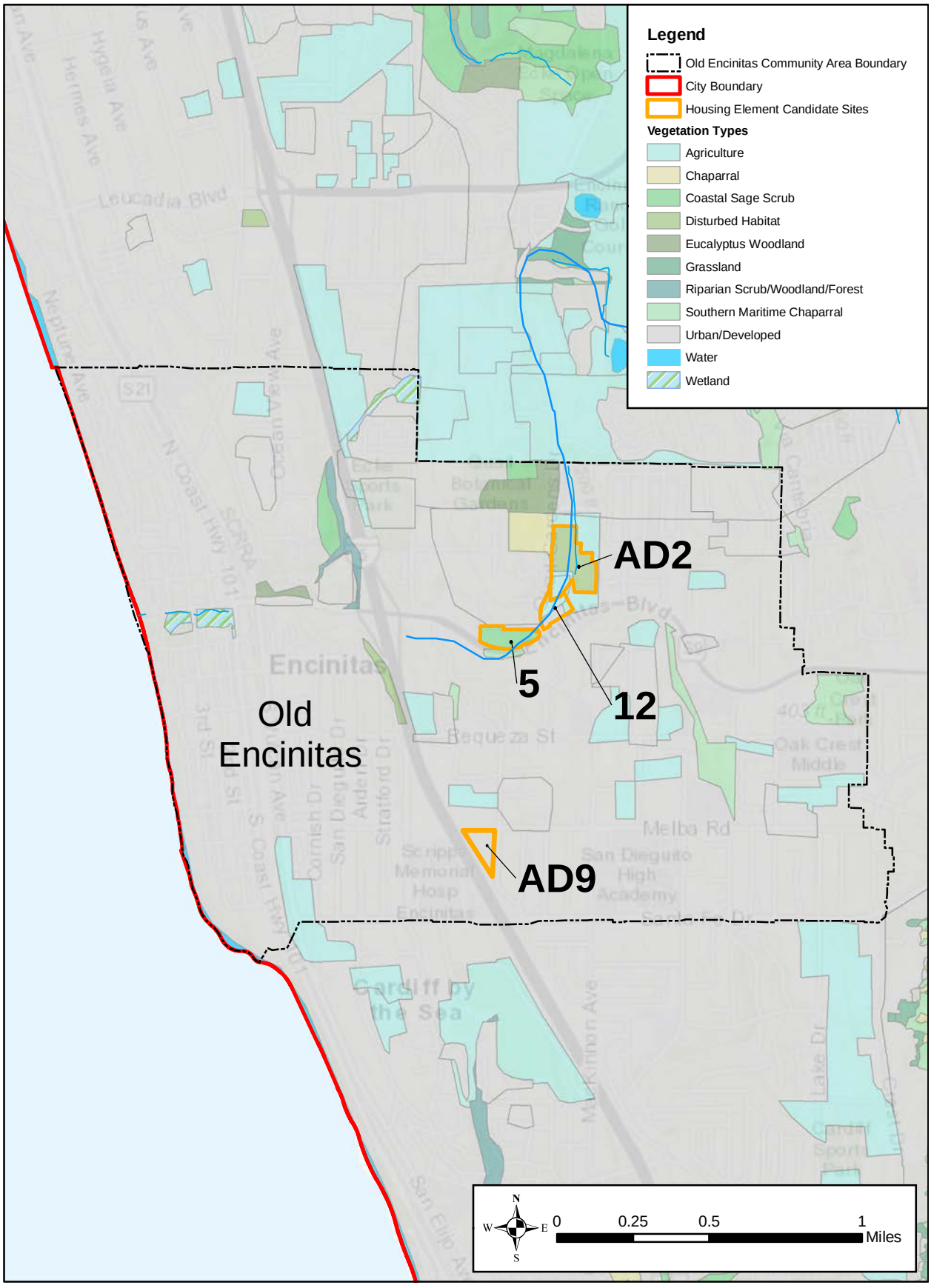
Existing Vegetation - Leucadia
Figure 4.3-1a



Source: RECON, GIS.

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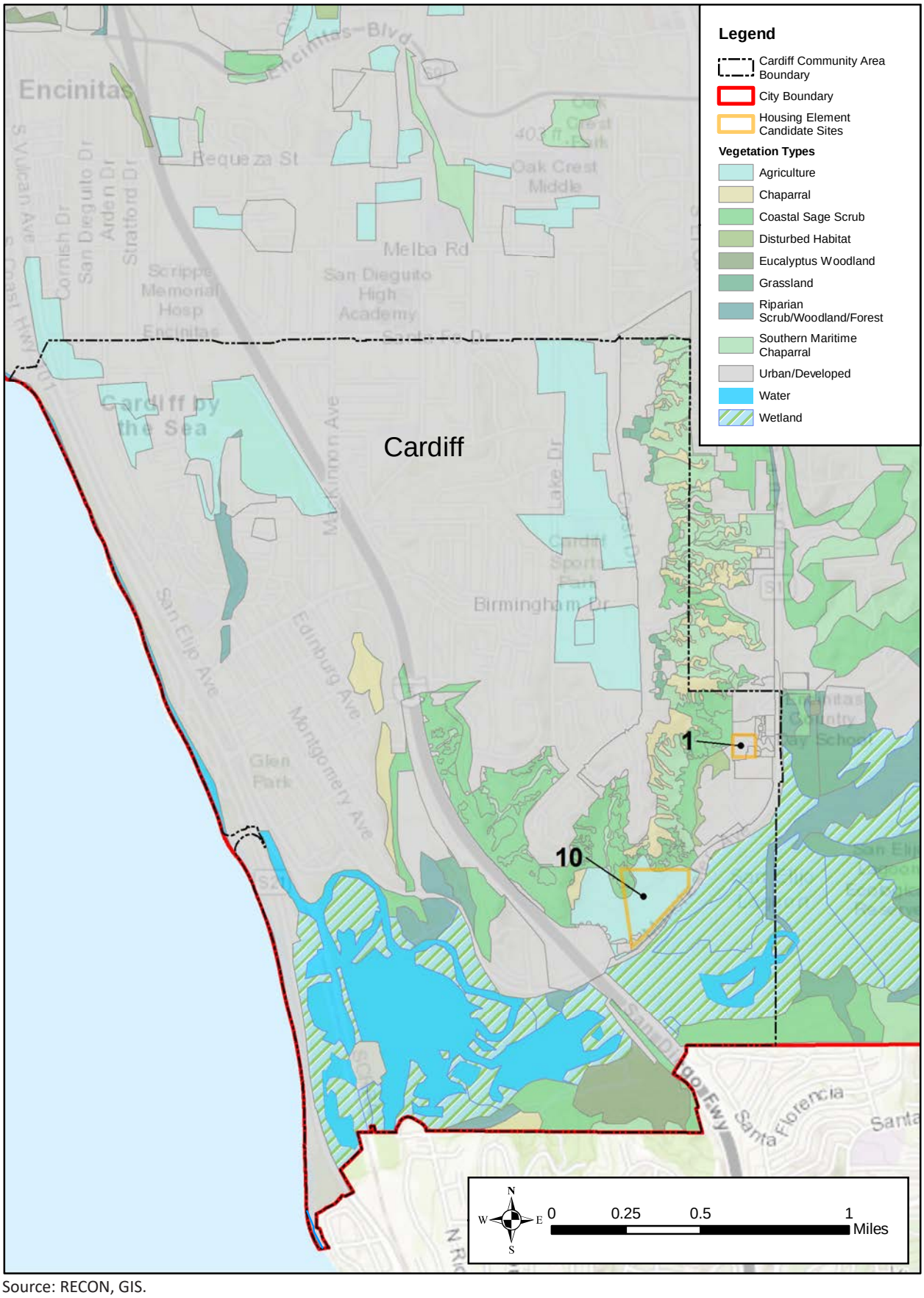
Existing Vegetation - Old Encinitas
Figure 4.3-1b



Source: RECON, GIS.

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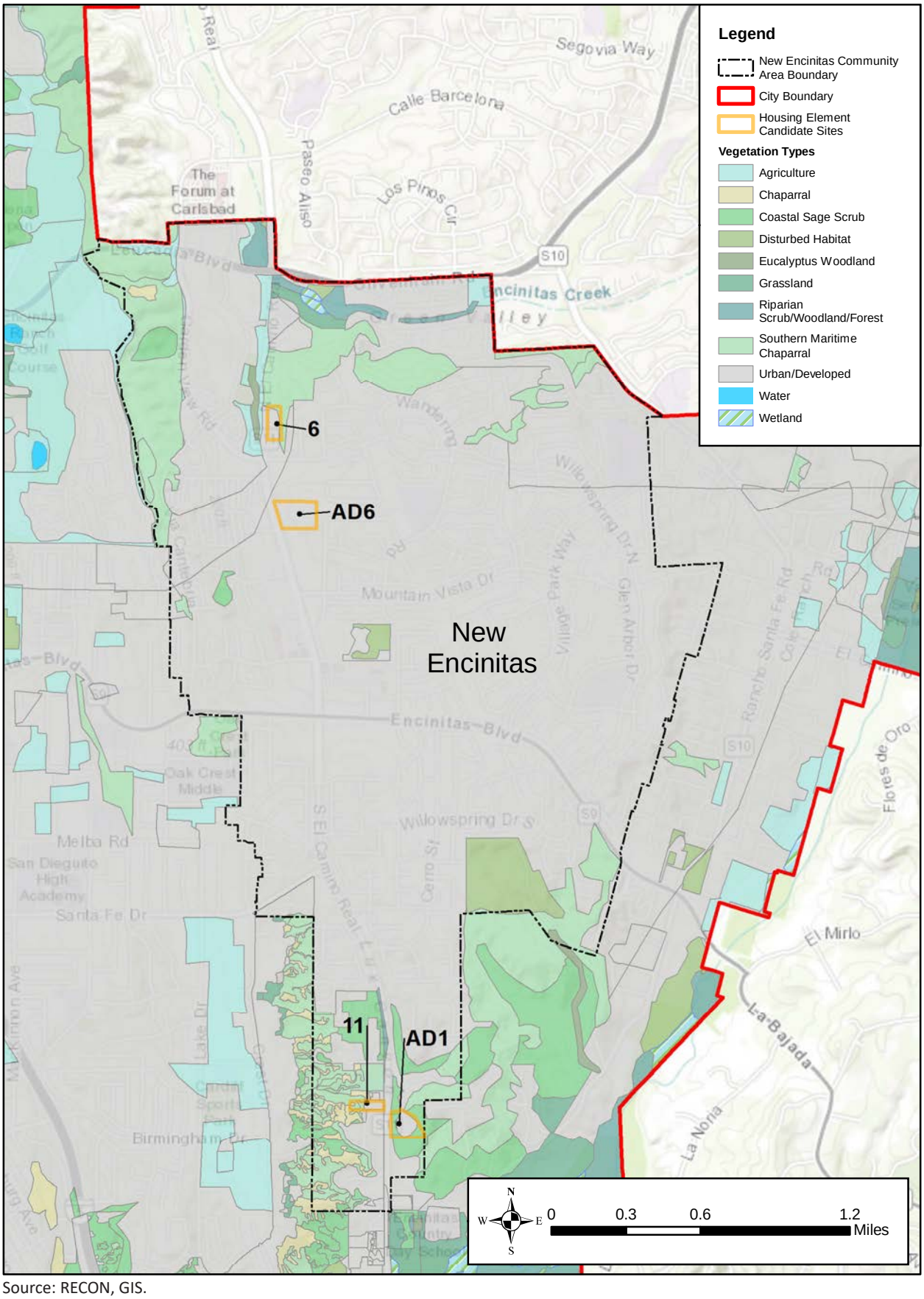
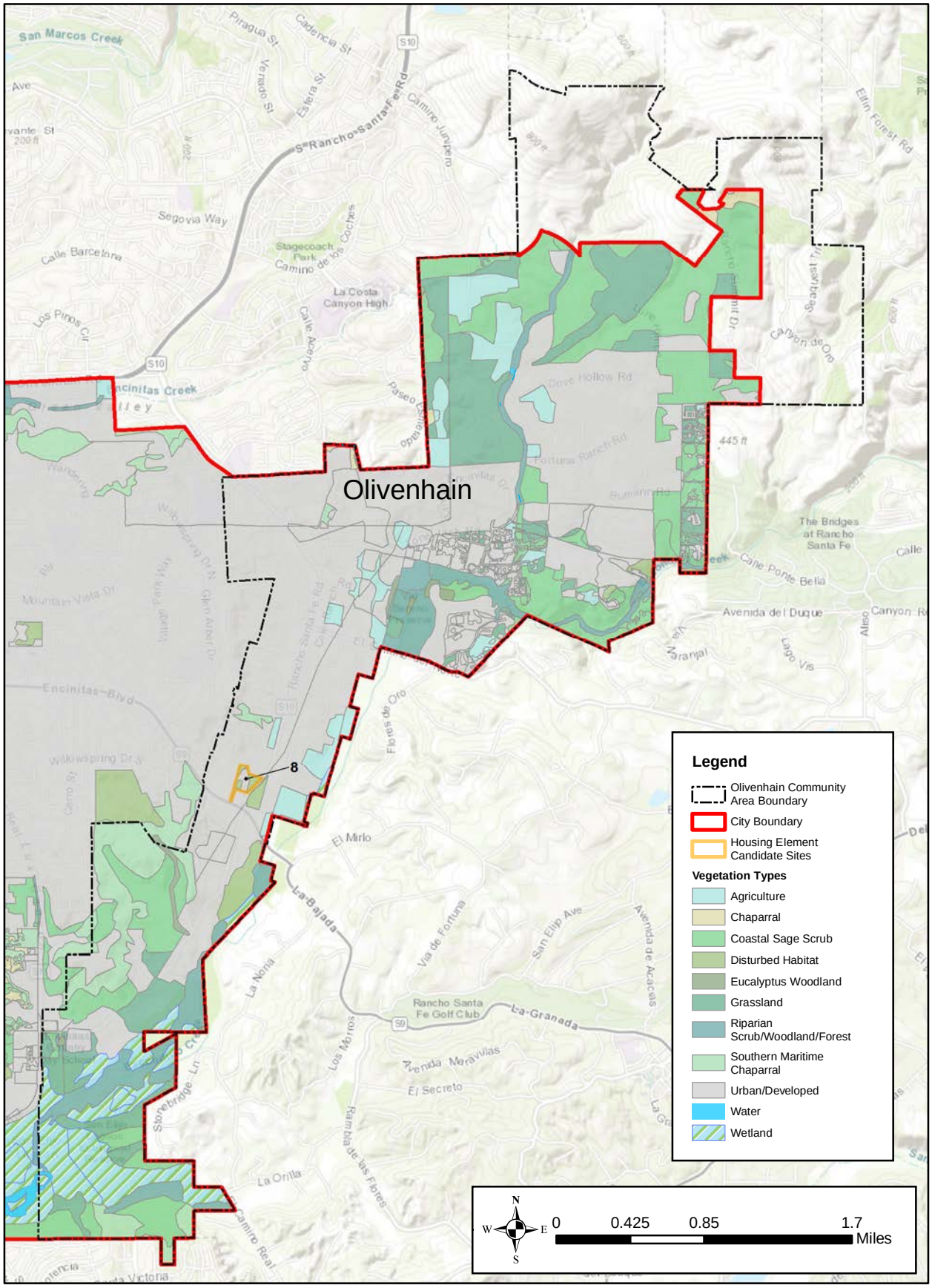
Existing Vegetation - Cardiff
Figure 4.3-1c



Source: RECON, GIS.



Source: RECON, GIS.

TABLE 4.3-1: VEGETATION COMMUNITIES						
Vegetation Community	Candidate Site					
	#2	#5	#6	#10	#11	#AD1
Coastal Sage Scrub	✓	✓	✓	✓		✓
Southern Maritime Chaparral					✓	
Annual Grasslands						
Wetlands			✓			✓
Riparian						
NOTE: 1. Candidate sites not included in this list are devoid of vegetation communities. Source: City of Encinitas GIS 2018						

OTHER LANDS

Figures 4.3-1a through 4.3-1e illustrate the land cover types ("other lands") mapped within the candidate sites. Descriptions of other lands are provided in 2016 PEIR Section 4.3.1.1. Table 4.3-2, *Other Land Cover Types*, identifies other lands present on the candidate sites.

TABLE 4.3-2: OTHER LAND COVER TYPES			
Candidate Site	Agricultural Land	Disturbed Land	Urban Land
Leucadia			
#2		✓	
#3			✓
#7		✓	
#9	✓		
#AD7			✓
#AD8	✓		✓
Old Encinitas			
#5		✓	
#12			✓
#AD2		✓	
#AD9			✓
Cardiff			
#1			✓
#10	✓		✓
New Encinitas			
#6			✓
#11	✓		
#AD1		✓	
#AD6			✓
Olivenhain			
None			
NOTE: 1. Candidate sites not included in this list are devoid of these land covers. Source: City of Encinitas GIS 2018			

As indicated in Table 4.3-2, agricultural lands are present on Candidate Sites #9, #10, #11, and #AD8, and disturbed lands are present on #2, #5, #7, #AD1, and #AD2. Refer to Section 4.9, Land Use and Planning, for a more detailed analysis of agricultural lands. Most of the candidate sites are developed lands: #1, #3, #6, #10, #12, #AD6, #AD7, #AD8, #AD9, and #AD12.

Jurisdictional Waters

As shown on Figure 4.3-2, *Potential Jurisdictional Wetlands and Water*, Candidate Sites #10, #11, #AD1, and #AD2 have been mapped as containing a water resource. Candidate Sites #6 and #AD1 contain wetlands; see also Table 4.3-1. Candidate Sites #11, #AD1, and #AD2 are adjacent to/contain a stream.

Sensitive Species

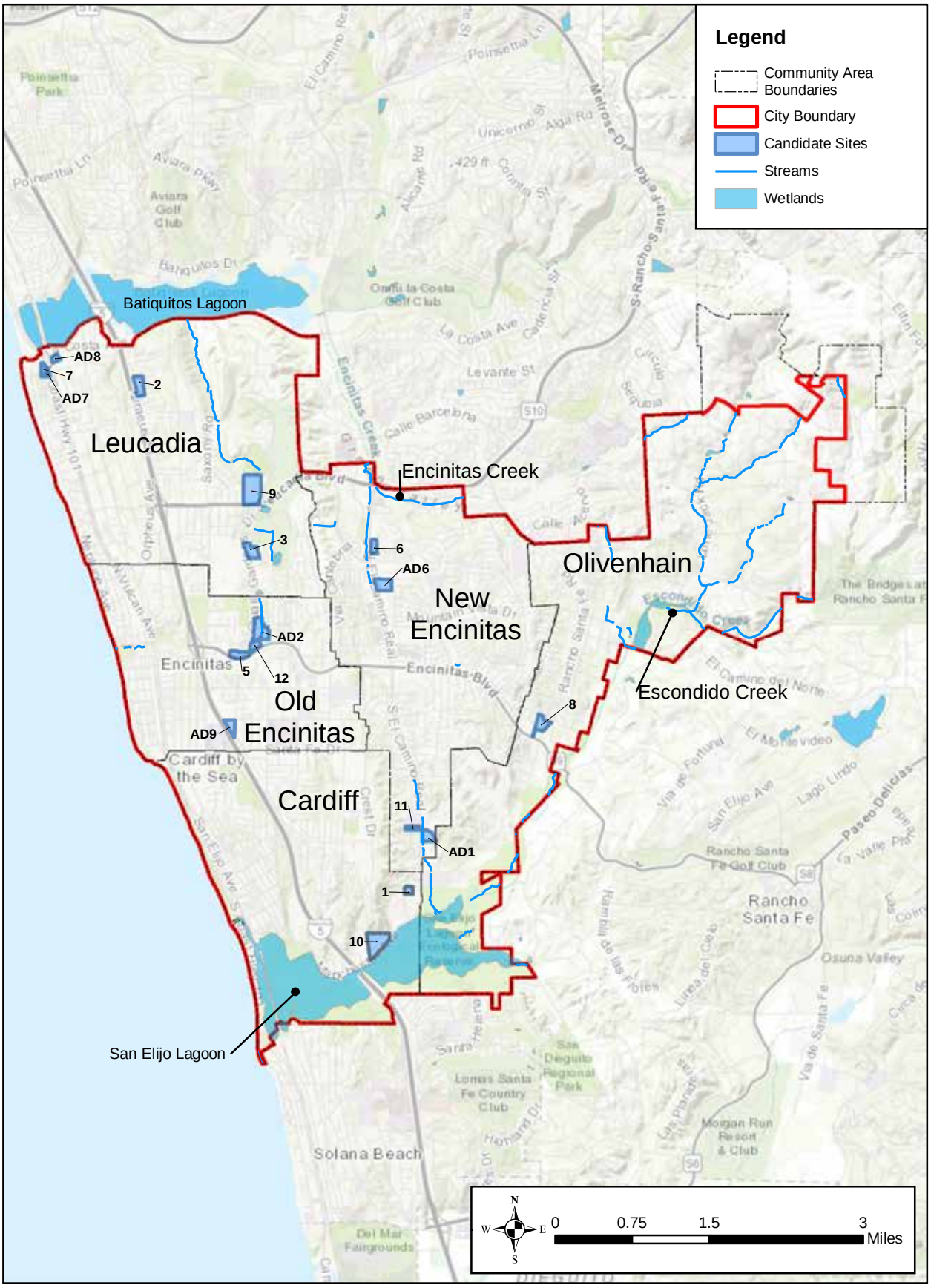
The California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) were queried for reported locations of listed and sensitive plant and wildlife species, as well as sensitive natural plant communities (Kimley-Horn, 2018). The query identified 19 special-status plant species, eight special-status wildlife species, and five special-status habitats as having potential to occur within the relevant quadrangles. Listed and sensitive plant and wildlife species, and sensitive natural plant communities having potential to occur within the candidate site boundaries are outlined in Table 4.3-3, *Potentially Occurring Special-Status Biological Resources*, and illustrated on Figure 4.3-3, *MHCP Sensitive Species – Overview;* Figure 4.3-4a, *MHCP Sensitive Species – Leucadia;* Figure 4.3-4b, *MHCP Sensitive Species – Old Encinitas*; Figure 4.3-4c, *MHCP Sensitive Species – Cardiff;* Figure 4.3-4d, *MHCP Sensitive Species – New Encinitas;* and Figure 4.3-4e, *MHCP Sensitive Species – Olivenhain* [based on MHCP and confirmed by City of Encinitas staff]. Descriptions of the sensitive species and habitats are provided in 2016 PEIR Section 4.3.1, *Existing Conditions*, respectively.

As shown on Figures 4.3-4a through 4.3-4e, City resource conservation data identified no listed or sensitive plant or wildlife species on the candidate sites. For purposes of this environmental analysis, a species is considered sensitive if it is a narrow endemic or covered species under the MHCP, listed by State and/or Federal agencies as threatened or endangered, or on California Rare Plant Rank 1B (considered endangered throughout its range) or California Rare Plant Rank 2 (considered endangered in California but more common elsewhere) of the CNPS Inventory of Rare and Endangered Vascular Plants of California. Plant species considered noteworthy are those that are on the CNPS Inventory California Rare Plant Rank 3 (more information about the plant's distribution and rarity needed) and California Rare Plant Rank 4 (plants of limited distribution).

Sensitive vegetation communities are communities that are of highly limited distribution and are identified by the Multiple Habitat Conservation Program (MHCP). As shown on Figures 4.3-1a-e and outlined in Table 4.3-1, following are the sensitive vegetation communities present on the candidate sites:

- Coastal sage scrub: Candidate Sites #2, #5, #6, #10, and #AD1
- Southern maritime chaparral: Candidate Site #11
- Wetlands: Candidate Sites #6 and #AD1

Based upon the City's resource conservation data, none of the candidate sites contain annual grasslands or riparian vegetation.



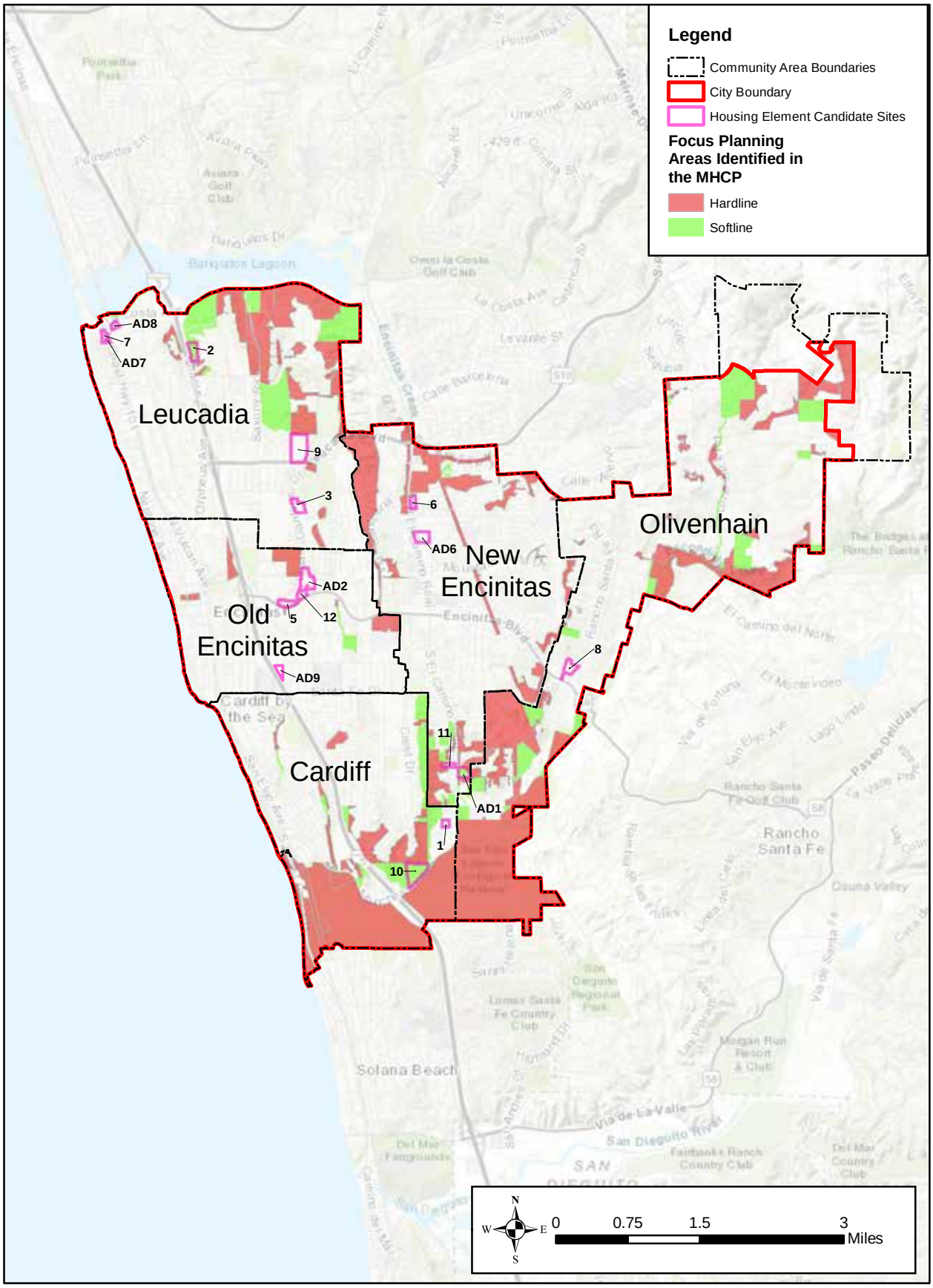
Source: City of Encinitas, GIS.

TABLE 4.3-3: POTENTIALLY OCCURRING SPECIAL-STATUS BIOLOGICAL RESOURCES			
Common Name	**Scientific Name**	**Status Designation**	**MHCP Status**
Del Mar manzanita	*Arctostaphylos glandulosa* var. *crassifolia*	Federal: END State: END CNPS: 1B.1	Covered
Encinitas baccharis	*Baccharis vanessae*	Federal: THR State: THR CNPS: 1B.1	Covered
San Diego thorn-mint	*Acanthomintha ilicifolia*	Federal: THR State: THR CNPS: 1B.1	Covered
Ashy spike-moss	*Selaginella cinerascens*	Federal: None State: None CNPS: 4.1	Not Covered
California adolphia	*Adolphia californica*	Federal: None State: None CNPS: 2B.1	Not Covered
Del Mar Mesa sand aster	*Corethrogyne filaginifolia linifolia*	Federal: None State: None CNPS: 1B.1	Covered
Nuttall's scrub oak	*Quercus dumosa*	Federal: None State: None CNPS: 1B.1	Covered
Orcutt's hazardia	*Hazardia orcuttii*	Federal: None State: None CNPS: 1B.1	Covered
Orcutt's spineflower	*Chorizanthe orcuttiana*	Federal: END State: END CNPS: 1B.1	Covered
Palmer's grappling hook	*Harpagonella palmeri*	Federal: None State: None CNPS: None	Not Covered
San Diego barrel cactus	*Ferocactus viridescens*	Federal: None State: None CNPS: 2B.1	Covered
San Diego marsh-elder	*Iva hayesiana*	Federal: None State: None CNPS: 2B.2	Covered
San Diego sagewort	*Artemisia palmeri*	Federal: None State: None CNPS: 4.2	Not Covered
Shaw's agave	*Agave shawii*	Federal: None State: None CNPS: 2B.1	Not Covered

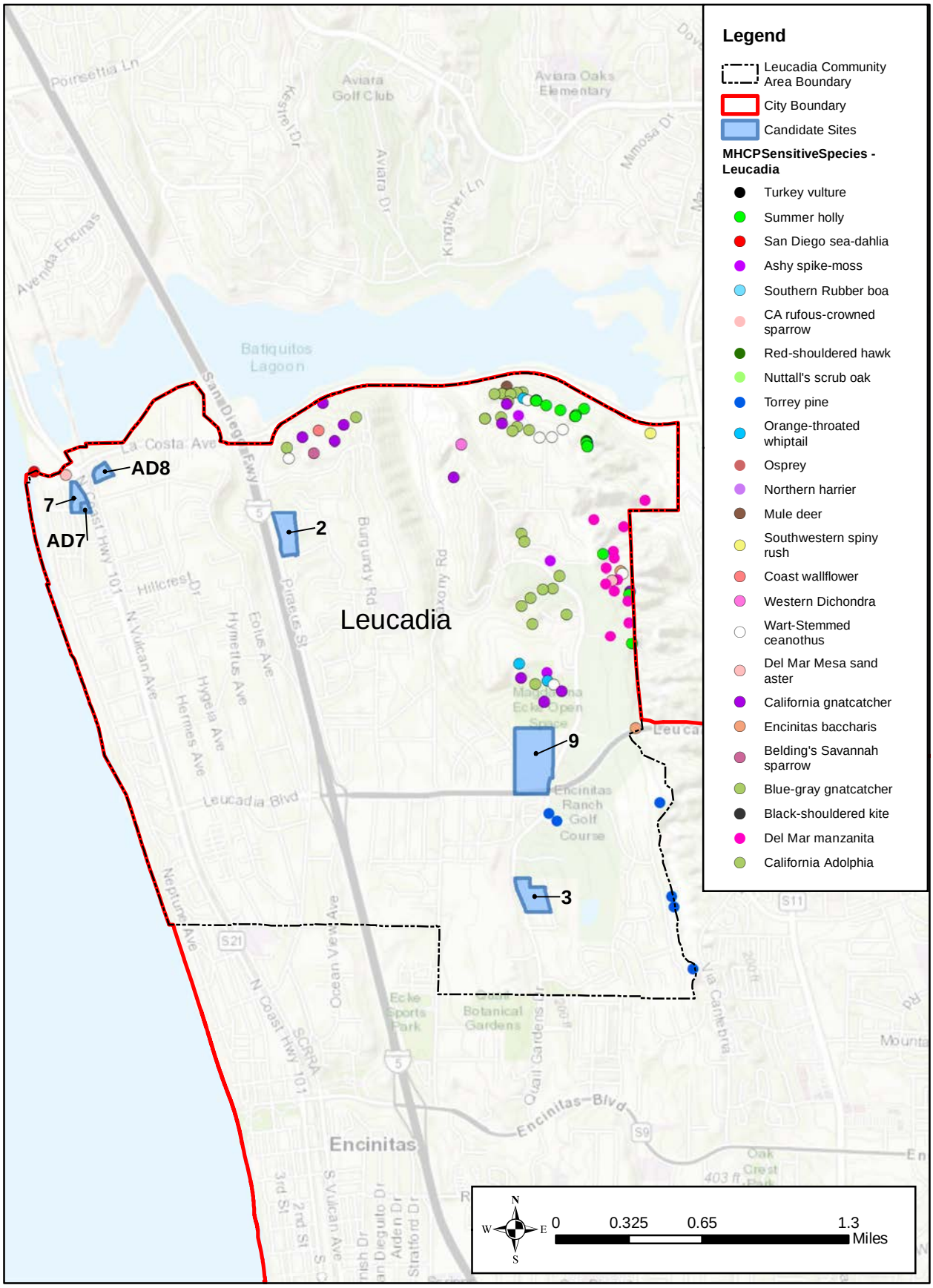
TABLE 4.3-3: POTENTIALLY OCCURRING SPECIAL-STATUS BIOLOGICAL RESOURCES			
Common Name	**Scientific Name**	**Status Designation**	**MHCP Status**
Southwestern spiny rush	*Juncus acutus ssp. leopoldii*	Federal: None State: None CNPS: None	Not Covered
Summer holly	*Comarostaphylis diversifolia* subsp. *diversifolia*	Federal: None State: None CNPS: 1B.2	Covered
Torrey pine	*Pinus torreyana* ssp. *torreyana*	Federal: None State: None CNPS: 1B.2	Covered
Wart-stemmed ceanothus	*Ceanothus verrucosus*	Federal: None State: None CNPS: 2B.2	Covered
Western dichondria	Dichondra occidentalis	Federal: None State: None CNPS: None	Not Covered
California gnatcatcher	*Polioptila californica*	Federal: THR State: THR CNPS: N/A	Covered
California least tern	*Sterna antillarum browni*	Federal: END State: END CNPS: N/A	Covered
Light-footed clapper rail	*Rallus longirostris levipes*	Federal: END State: END CNPS: N/A	Covered
Mule deer	*Odocoileus hemionus*	Federal: None State: None CNPS: N/A	Covered
Southern rubber boa	*Charina bottae umbratica*	Federal: None State: Under Review CNPS: N/A	Not Covered
Tricolored blackbird	*Agelaius tricolor*	Federal: Under Review State: Under Review CNPS: N/A	Not Covered
Western snowy plover	*Charadrius alexandrinus nivosus*	Federal: THR State: THR CNPS: N/A	Covered
Wood stork	*Mycteria americana*	Federal: THR State: THR CNPS: N/A	Not Covered

1. THR = Threatened; and END = Endangered

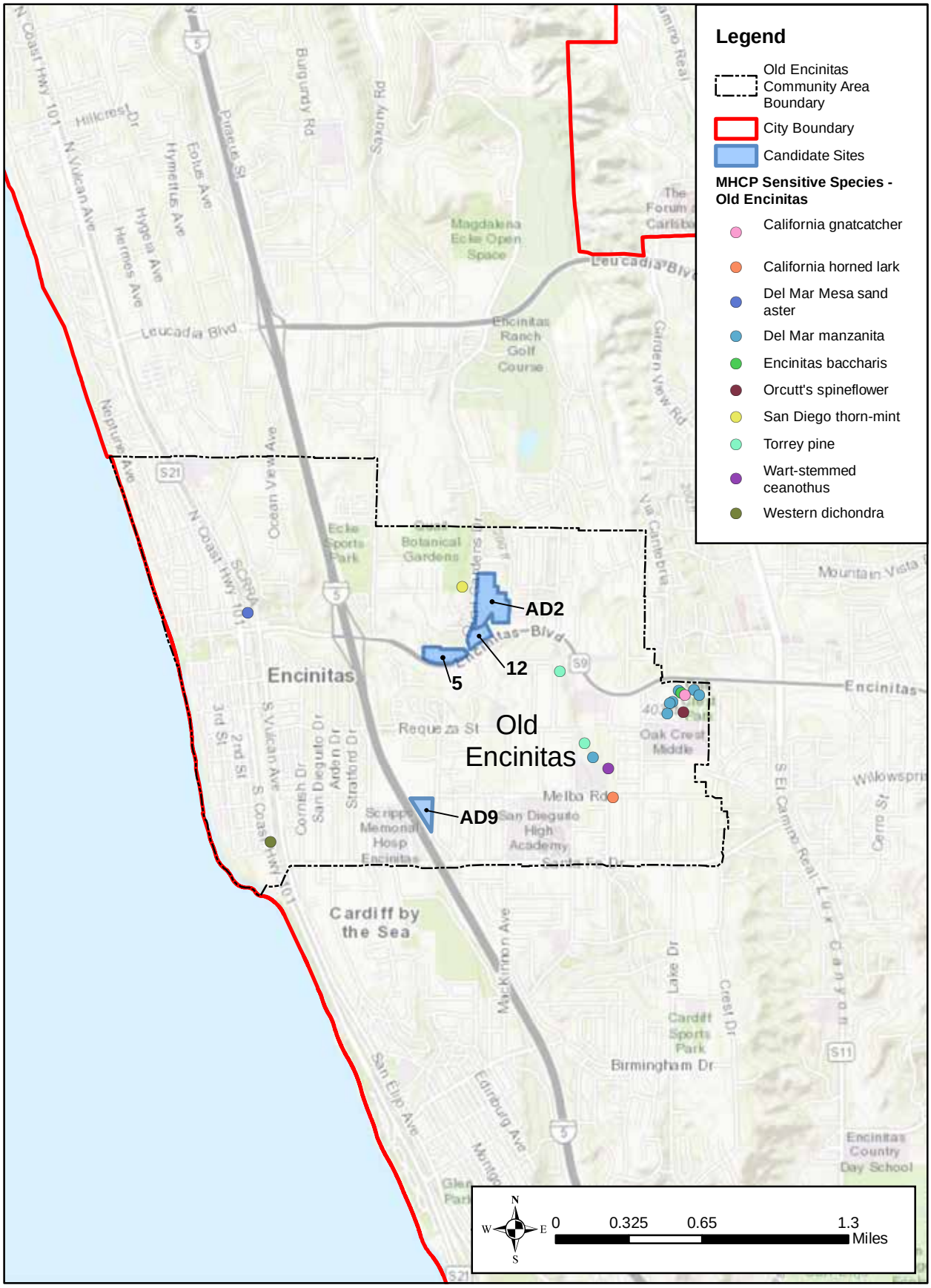
Sources:
[1] U.S. Fish and Wildlife Service. Endangered Species Finder. https://www.fws.gov/endangered/ Accessed May 1, 2018.
[2] California Native Plant Society (CNPS). 2018 Inventory of Rare and Endangered Plants of California (8th Edition). http://www.rareplants.cnps.org/result.html?ccl=SDG Accessed May 1, 2018.



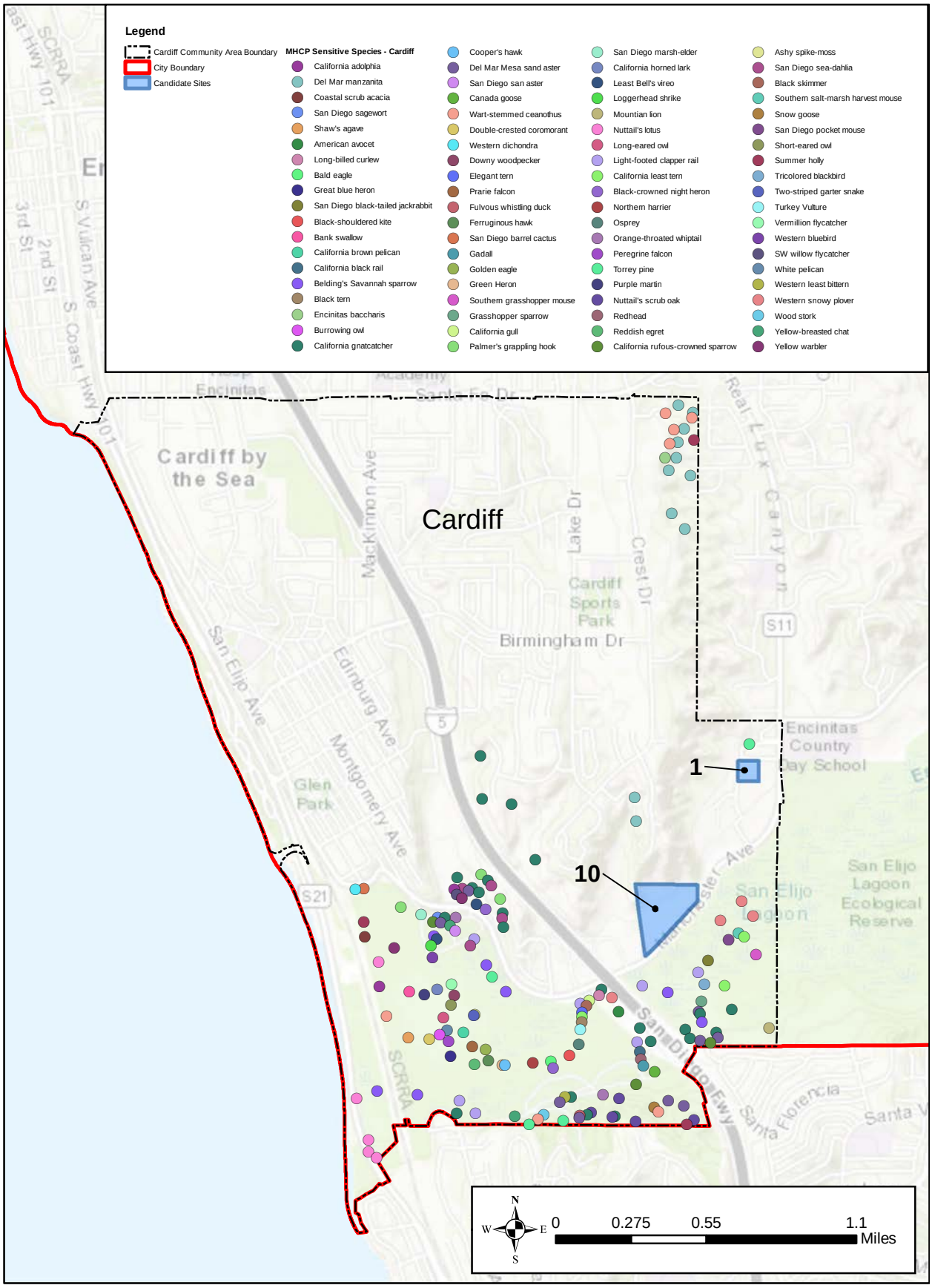
Source: City of Encinitas, GIS.



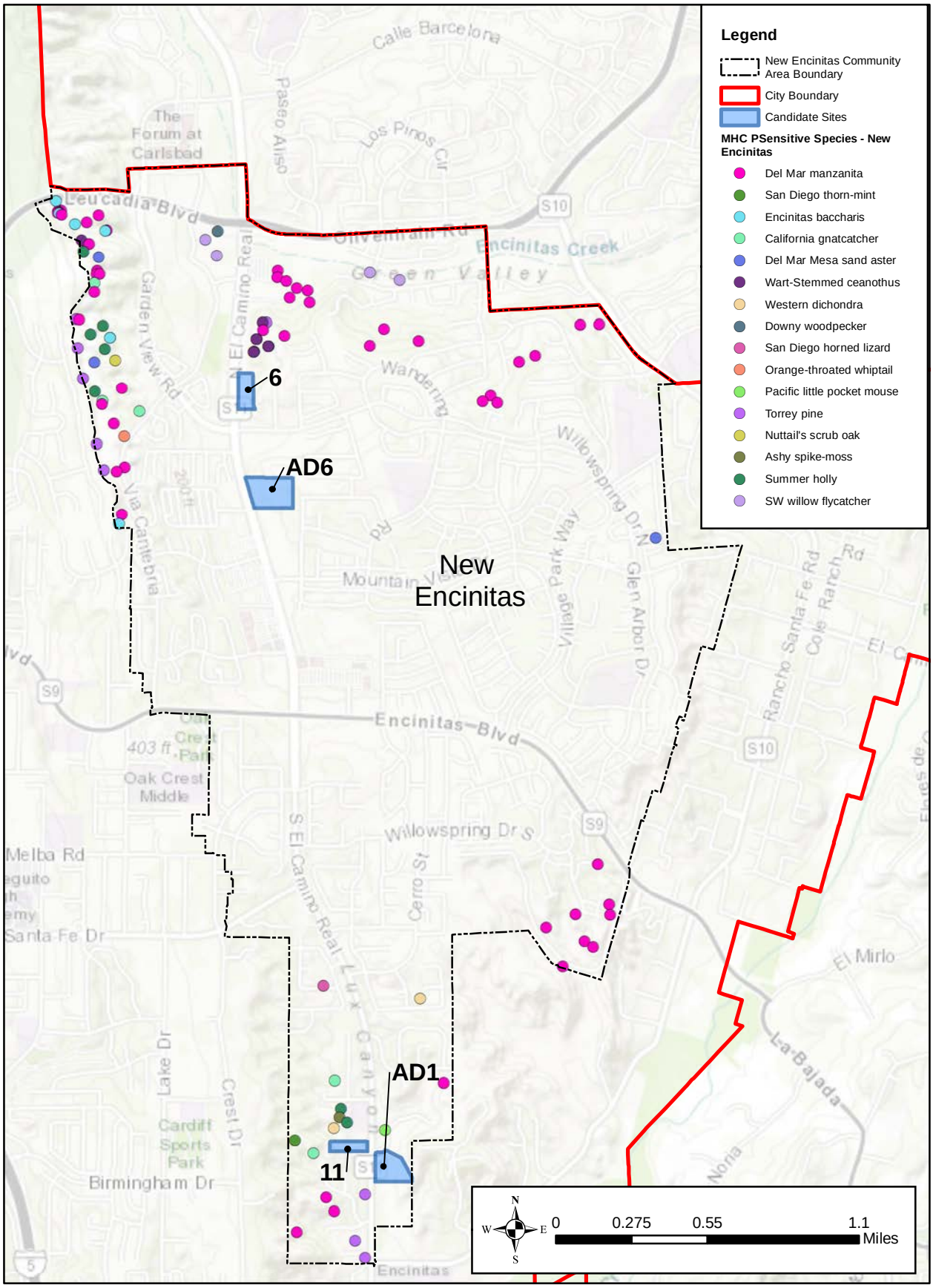
Source: City of Encinitas, GIS.



Source: City of Encinitas, GIS.



Source: City of Encinitas, GIS.



Source: City of Encinitas, GIS.

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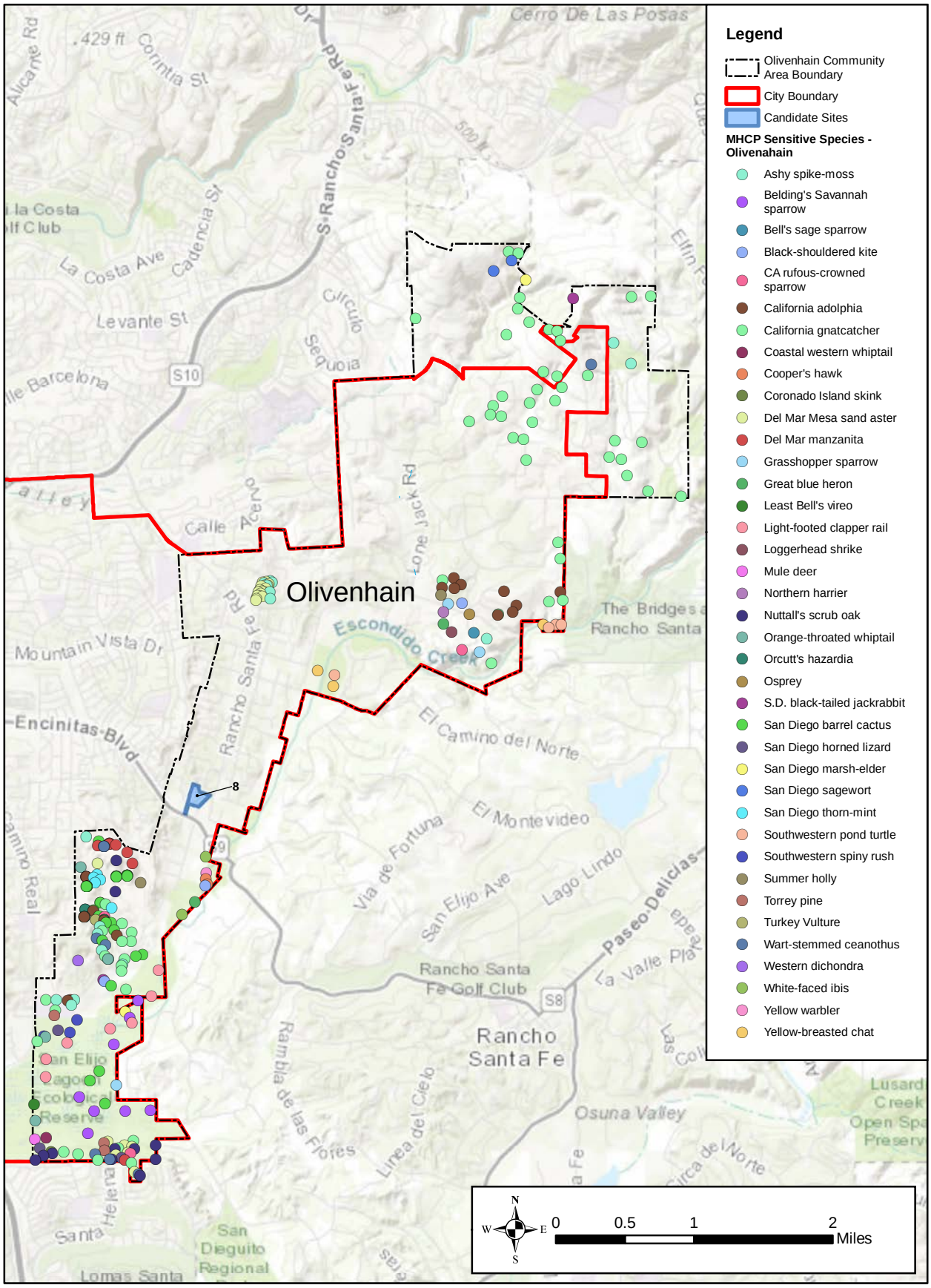
MHCP Sensitive Species - New Encinitas
Figure 4.3-4d



Source: City of Encinitas, GIS.

It is noted, as site-specific surveys were not conducted in conjunction with this EA, the data concerning Listed and sensitive plant and wildlife species, and sensitive natural plant communities contained herein is only intended as a tool. The precise locations of these species/communities are not presently known and individual site surveys could be required on a project-level basis, in accordance with the current regulatory framework.

Wildlife Movement and Corridors

Habitat linkages and wildlife corridors are defined as areas that connect suitable wildlife habitat in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provide corridors for wildlife travel. Habitat linkages and wildlife corridors are important because they provide access to mates, food, and water; allow the dispersal of individuals away from high population density areas; and facilitate the exchange of genetic traits between populations. Wildlife movement corridors are considered sensitive by resource and conservation agencies. Figure 2-3, *Candidate Sites Map – Overview*, in Section 2.0 of this EA, shows the location of all candidate sites and Figures 4.3-1a-e show the vegetation communities they contain. Most of the candidate sites do not support wildlife movement or corridors, as they are in urbanized areas and contain development. The following candidate sites involve undeveloped areas or are adjacent to an open space area: #1, #2, #3, #9, #10, #11, #AD1, and #AD12. However, these sites do not involve City-designated or Encinitas Subarea Plan areas where wildlife movement or activities occur.

4.3.2 REGULATORY FRAMEWORK

2016 PEIR

The regulatory framework concerning biological resources, which is discussed in 2016 PEIR Section 4.3.2 (page 4.3-17), applies to the revised Project. The necessary additions/changes are presented below.

ADDITIONS/CHANGES SINCE 2016 PEIR

FEDERAL

Bald and Golden Eagle Protection Act

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act, which prohibits the taking, possession, or commerce of the species except under certain specified conditions.

Executive Order 11990, Protection of Wetlands, 1977

The purpose of Executive Order (EO) 11990 is to "minimize the destruction, loss or degradation of wetlands and to preserve the natural values of wetlands." To meet these objectives, the EO requires Federal agencies to consider alternatives to wetland sites and limit potential damage if an activity affecting a wetland cannot be avoided. EO 11990 applies to:

- Acquisition, management, and disposition of Federal lands and facilities construction and improvement projects which are undertaken, financed or assisted by Federal agencies; and
- Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulation, and licensing activities.

Each Federal agency is responsible for preparing implementing procedures for carrying out the provisions of the Order. The procedures for implementation are found in FEMA's Regulations at 44 CFR Part 9, *Floodplain Management and Protection of Wetlands.*

The procedures require the determination of whether a proposed project will be in or will affect wetlands. If so, a wetlands assessment must be prepared that describes the alternatives considered. The procedures include a requirement for public review of assessments.

STATE

California Wetlands Conservation Policy

In 1993, California enacted its Wetlands Conservation Policy to ensure no net loss of wetlands within the State and achieve a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in the State. The Wetlands Conservation Policy also encourages partnerships to make landowner incentive programs and cooperative planning efforts the primary focus of wetland conservation and restoration.

Porter – Cologne Water Quality Act

The RWQCB regulates actions that would involve "discharging waste, or proposing to discharge waste, with any region that could affect the water of the State" (Water Code 13260(a)), pursuant to provisions of the State Porter-Cologne Water Quality Act. "Waters of the State" are defined as "any surface water or groundwater, including saline waters, within the boundaries of the State" (Water Code 13050 (e)).

4.3.3 SIGNIFICANCE DETERMINATION THRESHOLDS

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

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS (see Issue 1).
- Have a substantial adverse effect on any sensitive natural community identified in local or regional plans, policies, and regulations or by CDFW or USFWS (see Issue 2).
- Have a substantial adverse effect on wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, march, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (see Issue 3).
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (see Issue 4).
- Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), NCCP, or other approved local, regional, or State HCP (see Issue 5).
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (see Issue 6).

4.3.4 IMPACTS AND MITIGATION MEASURES

4.3.4 - Issue 1: Sensitive Species

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?

IMPACTS:

2016 PEIR

The potential impacts concerning candidate, sensitive, or special=status species are discussed in 2016 PEIR Section 4.3.5 (Issue 1, page 4.3-29). The 2016 PEIR concluded that future housing development could have directly or indirectly impacted sensitive species through development activities. Direct impacts to sensitive species could have resulted from physical demolition, destruction, relocation, or alteration of sensitive species habitat. The potential impacts to sensitive wildlife species due to each proposed housing site are presented in 2016 PEIR Table 4.3-5.

Various housing sites were identified as containing one or more of the following sensitive resources: plants; wildlife (e.g., least Bell's vireo); and nesting and migratory birds. The identified sites would require project-level, site-specific surveys during the next 20+ years of HEU implementation, in accordance with EMC Chapter 30.34.040B, Cultural/Natural Resources Overlay Zone (presently EMC Chapter 30.34.050). The 2016 PEIR analysis concluded HEU implementation would result in less than significant impacts with mitigation incorporated (Mitigation Measures BIO-1, BIO-2, and BIO-3).

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

REVISED PROJECT

As shown on Figures 4.3-3a-e, City conservation data identified no listed or sensitive plant or wildlife species on the candidate sites. While it is not anticipated that direct impacts to sensitive plant and wildlife species would occur, indirect impacts could result from excess noise, lighting, or runoff generated during project construction. The following candidate sites are located adjacent to a potential sensitive species habitat area: #1, #3, #6, #7, #9, #10, #11, #12, #AD1, #AD2, #AD7, and #AD8. Additionally, the following candidate sites are considered undeveloped or have a substantial portion of the site unimproved (e.g., have the potential to contain native and/or non-native habitats): #1, #2, #3, #5, #7, #8, #9, #AD1, #AD2, #AD6, and #AD9. Candidate site analysis was based on programmatic sources such as City GIS, MHCP listings, and State/Federal Fish and Wildlife services. Because site-specific surveys were not conducted in conjunction with this EA, future development of these sites has the potential to impact sensitive plants or wildlife. Future projects must adhere to the General Plan policies outlined below, EMC Chapter 30.34.050, and Mitigation Measures BIO-1 through BIO-3. Mitigation Measures BIO-1 through BIO-3 would further reduce adverse impacts to sensitive plants and sensitive wildlife, least Bell's vireo, and migratory or nesting birds within the candidate sites by requiring surveys for the sites listed in this Section. Therefore, with mitigation, the Project's impacts to species identified as a candidate, sensitive, or special-status species would be less than significant.

GENERAL PLAN POLICIES AND MITIGATION MEASURES:

GENERAL PLAN POLICIES:

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

MITIGATION MEASURES:

The mitigation measures concerning biological resources/sensitive species identified in 2016 PEIR Section 4.3.5 are presented below, inclusive of the additions/changes necessary for the revised Project (indicated by "~~deleted text~~" / "underlined text").

BIO-1: Applications for future development of housing sites consistent with the new zone program, wherein the City has determined a potential for significant impacts to sensitive biological resources, shall be required to comply with the following mitigation framework:

a) A site-specific general biological resources survey shall be conducted to identify the presence of any sensitive biological resources, including any sensitive plant or wildlife species. A biological resources report shall be submitted to the City to document the results of the biological resources survey. The report shall include (1) the methods used to determine the presence of sensitive biological resources; (2) vegetation mapping of all vegetation communities and/or land cover types; (3) the locations of any sensitive plant or wildlife species; (4) an evaluation of the potential for occurrence of any listed, rare, and narrow endemic species; and (5) an evaluation of the significance of any potential direct or indirect impacts from the proposed project. If potentially significant impacts to sensitive biological resources are identified, future project-level grading and site plans shall incorporate project design features to minimize direct impacts on sensitive biological resources to the extent feasible, and the report shall also recommend appropriate mitigation to reduce the impacts to below a level of significance.

b) If suitable habitat for sensitive species is identified within the housing site based on the general biological survey, then focused presence/absence surveys shall be conducted in accordance with applicable resource agency survey protocols.

BIO-2: Prior to issuance of a permit for grading or vegetation removal, future development of housing sites consistent with the new zone program, wherein the City has determined ~~to~~ the potential for significant impacts to least Bell's vireo, shall require USFWS protocol surveys for least Bell's vireo should project construction occur within 300 feet of riparian habitat during the breeding season (April 10 to July 31). If least Bell's vireo is identified during the protocol surveys, then noise attenuation measures shall be required to ensure that noise levels from construction do not exceed a 60 A-weighted decibels [dB(A)] hourly average per hour at the edge of the riparian habitat or to the ambient noise level if it exceeds 60 dB(A) prior to construction. Construction noise monitoring shall be required to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average unless an analysis completed by a qualified acoustician shows that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat.

BIO-3: Prior to issuance of a permit for grading or vegetation removal, future development of housing sites consistent with the new zone program, wherein the City has determined the presence of mature trees and/or native vegetation suitable for nesting birds in the future, shall require a

preconstruction survey to determine the presence of active bird nests if vegetation clearing is proposed during the typical bird breeding season (January 15– September 15). The nesting bird survey shall be performed by a qualified biologist within one week prior to the start of vegetation clearing or construction activities. No direct impacts shall occur to any nesting birds or their eggs, chicks, or nests. If an active nest is located, nest avoidance measures would be required in accordance with the MBTA and CDFW code.

LEVEL OF SIGNIFICANCE: Less Than Significant With Mitigation Incorporated

4.3.4 - Issue 2: Sensitive Vegetation Communities

Would the Project have a substantial adverse effect on any sensitive natural community identified in local or regional plans, policies, and regulations or by CDFW or USFWS?

IMPACTS:

2016 PEIR

The potential impacts concerning sensitive vegetation communities are discussed in 2016 PEIR Section 4.3.6 (Issue 2, page 4.3-33). The 2016 PEIR concluded that future housing development could directly or indirectly impact sensitive vegetation communities through development activities. Direct impacts to sensitive vegetation communities could result from physical demolition, destruction, relocation, or alteration of sensitive vegetation habitat. Table 4.3-3 in the 2016 PEIR includes policies aimed at protecting sensitive vegetation communities. EMC §s 30.34.040 (presently EMC Chapter 30.34.050) and 30.34.050 contain provisions for the protection of sensitive vegetation. Future development would adhere to all applicable regulations outlined in the 2016 PEIR as well as EMC § 30.34.040 and 30.34.050.

Various housing sites were identified as containing one or more of the following sensitive communities: coastal sage scrub; southern maritime chaparral; and wetlands. The identified sites would require project-level, site-specific surveys during the next 20+ years of HEU implementation, in accordance with EMC Chapter 30.34.040B (presently EMC Chapter 30.34.050). The 2016 PEIR analysis concluded HEU implementation would not result in a substantial adverse effect on any sensitive natural community. Implementation of Mitigation Measure BIO-4 was required to reduce impacts to less than significant.

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

REVISED PROJECT

As previously depicted on Figures 4.3-1a-e and 4.3-2, and identified in Table 4.3-1, none of the candidate sites contain annual grasslands or riparian vegetation. Coastal sage scrub is present on Candidate Sites #2, #5, #6, #10, and #AD1, southern maritime chaparral is present on Candidate Site #11, and wetlands are present on Candidate Sites #6 and #AD1. These communities are considered sensitive due to their limited occurrence and ability to support diverse and sensitive species. Candidate site analysis was based on programmatic sources such as City GIS, MHCP listings, and State/Federal Fish and Wildlife services. Because site-specific surveys were not conducted in conjunction with this EA, future development of these sites has the potential to impact sensitive vegetation communities. Future projects must adhere to the General Plan policies outlined below, EMC Chapter 30.34.050, and Mitigation Measures BIO-4. With implementation of Mitigation Measure BIO-4, which incorporates project-level design features to minimize direct impacts, impacts to sensitive natural communities would be less than significant.

GENERAL PLAN POLICIES AND MITIGATION MEASURES:

GENERAL PLAN POLICIES:

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

- RME Policy 9.2
- RME Policy 9.3
- RME Policy 10.1
- RME Policy 10.5
- RME Policy 10.6
- RME Policy 10.9
- RME Policy 10.11

MITIGATION MEASURES:

The mitigation measures concerning biological resources/sensitive vegetation communities identified in 2016 PEIR Section 4.3.6 are presented below, inclusive of the additions/changes necessary for the revised Project (indicated by "~~deleted text~~" / "underlined text").

BIO-4: Prior to issuance of a permit for grading or vegetation removal, future development of housing sites consistent with the new zone program which result~~ing~~ in significant impacts to sensitive vegetation communities, shall implement avoidance and minimization measures and provide suitable mitigation in accordance with the MHCP.

Future project-level grading and site plans shall incorporate project design features to minimize ~~direct~~ significant impacts on sensitive vegetation communities including but not limited to riparian habitats, wetlands, non-native grassland, and coastal sage scrub. Mitigation for significant impacts to sensitive upland habitats shall occur in accordance with the mitigation ratios identified in Tables 4-6 and 4-7 of the MHCP. Mitigation for significant impacts to sensitive vegetation communities shall be implemented at the time future development projects are proposed.

LEVEL OF SIGNIFICANCE: Less Than Significant With Mitigation Incorporated

4.3.4 - Issue 3: Wetlands

Would the Project have a substantial adverse effect on wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, march, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

IMPACTS:

2016 PEIR

The potential impacts concerning wetlands are discussed in 2016 PEIR Section 4.3.7 (Issue 3, page 4.3-36). The 2016 PEIR concluded that future housing development could directly or indirectly impact wetlands through development activities. Direct impacts to wetlands could result from physical demolition, destruction, relocation, or alteration of sensitive species habitat. PEIR 2016 Table 4.3-3 includes policies aimed at the protection of wetland resources. EMC § 30.34.040 (presently EMC Chapter 30.34.050) contains provisions for the preservation of jurisdictional waters and wetlands.

Various housing sites were identified as being likely to negatively impact wetlands. The identified sites would require project-level, site-specific surveys during the next 20+ years of HEU implementation, in accordance with EMC Chapter 30.34.040, *Cultural/Natural Resources Overlay Zone*. The 2016 PEIR analysis

concluded HEU implementation would result in less than significant impacts with mitigation incorporated (Mitigation Measures BIO-5).

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

REVISED PROJECT

Candidate Sites #6, #10, #11, #AD1, and #AD2 have been mapped as containing a water resource; Figure 4.3-2. Candidate Sites #6 and #AD1 contain wetlands; see also Table 4.3-1. Candidate Sites #11, #AD1, and #AD2 are adjacent to/contain a stream. Therefore, future development could adversely impact jurisdictional waters/wetlands through activities such as vegetation removal and grading. It is noted, candidate site analysis was based on programmatic sources such as City GIS, MHCP listings, and State/Federal Fish and Wildlife services. Because site-specific surveys were not conducted in conjunction with this EA, future development of these sites has the potential to impact jurisdictional waters/wetlands. Future projects must adhere to the General Plan policies outlined below, EMC Chapter 30.34.050, and Mitigation Measures BIO-5. Mitigation Measure BIO-5 requires preparation of a site-specific biological resource survey to identify potential jurisdictional waters. Project implementation could result in a substantial adverse effect on wetlands as defined by Section 404 of the Clean Water Act, however, compliance with Mitigation Measure BIO-5, would reduce impacts to less than significant.

GENERAL PLAN POLICIES AND MITIGATION MEASURES:

GENERAL PLAN POLICIES:

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

MITIGATION MEASURES:

The mitigation measures concerning jurisdictional waters/wetlands identified in 2016 PEIR Section 4.3.7 are presented below, inclusive of the additions/changes necessary for the revised Project (indicated by "~~deleted text~~" / "<u>underlined text</u>").

BIO-5: Prior to issuance of a permit for grading or vegetation removal, future development of housing sites consistent with the <u>HEU</u> new zone program, wherein the City has determined the potential for impacts to sensitive biological resources, shall be required to prepare a site-specific biological resources survey. Should any potential jurisdictional waters be identified on-site during the general biological resources survey, then a jurisdictional wetlands delineation of the housing site shall be conducted following the methods outlined in the USACE's 1987 *Wetlands Delineation Manual* and the *Regional Supplement to the Corps of Engineers Delineation Manual for the Arid West Region*. The limits of any riparian habitats on-site under the sole jurisdiction of CDFW shall also be delineated, as well as any special aquatic sites (excluding vernal pools) that may not meet Federal jurisdictional criteria but are regulated by CCC and the RWQCB.

Avoidance measures based on project-level grading and site plans shall be incorporated into the project design to minimize direct impacts to jurisdictional waters consistent with Federal, State, and City guidelines. Unavoidable impacts to wetlands shall be minimized to the maximum extent practicable and would be subject to alternatives and mitigation analyses consistent with U.S. Environmental Protection Agency 404(b)(1) findings and procedures under the USACE's permit process. Unavoidable impacts would require the in-kind creation of new wetland of the same type

lost, at a ratio determined by the applicable regulatory agencies that would prevent any net loss of wetland functions and values. Wetland creation on-site or within the same wetland system shall be given preference over replacement off-site or within a different system. The City shall also control use and development in surrounding areas of influence to wetlands with the application of buffer zones. At a minimum, 100-foot-wide buffers shall be provided upland of tidal wetlands ~~with the exception of~~ except for non-tidal riparian vegetation areas which will require 50-foot-wide buffers, unless the applicant demonstrates that a buffer of lesser width would protect the resources of the wetland based on site-specific information. Use and development within buffer areas shall be limited to minor passive recreational uses with fencing, delitation or erosion control facilities, or other improvements deemed necessary to protect the habitat, to be ~~located~~ in the upper (upland) half of the buffer when feasible. All wetlands and buffers shall be permanently conserved or protected through the application of an open space easement or other suitable device.

All new development adjacent to wetlands and waters shall be required to adhere to measures outlined in the City's Grading, Erosion, and Sediment Control Ordinance to avoid degradation of lagoons, other wetland habitats, and upland habitats from erosion and sedimentation. These measures include restrictions on the timing and amount of grading and vegetation removal. For example, grading or vegetation removal shall be prohibited during the rainy season (October 1 through April 15) without an approved erosion control plan and program in place. In addition, all necessary erosion control devices must be in place, and appropriate monitoring and maintenance must be implemented during the grading period.

LEVEL OF SIGNIFICANCE: Less Than Significant With Mitigation Incorporated

4.3.4 - Issue 4: Wildlife Corridors

Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

IMPACTS:

2016 PEIR

The potential impacts concerning wildlife corridors are discussed in 2016 PEIR Section 4.3.8 (Issue 4, page 4.3-38). The 2016 PEIR concluded that future housing would not interfere with a regionally significant wildlife corridor and would not have a significant impact to wildlife movement. Housing Strategies 1-3 would not impact any wildlife movement corridors, as no significant wildlife movement corridors occur in any of the housing sites. Additionally, General Plan Resource Management Element (2011) Policy 10.5 contains provisions for the preservation of wildlife movement corridors.

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

REVISED PROJECT

The candidate sites identified within the HEU are primarily restricted by developed land. Figure 2.3 shows the location of all candidate sites and Figures 4.3-1a-e show the vegetation communities they contain. Most of the candidate sites do not support wildlife movement or corridors, as they are in urbanized areas

and contain development. The following candidate sites involve undeveloped areas or are adjacent to an open space area: #1, #2, #3, #9, #10, #11, #AD1, and #AD12. However, these sites do not meet the criteria for a wildlife movement corridor as they are not identified as such by the Encinitas Subarea Plan (2001). Future development would be required to comply with the General Plan policies listed below to preserve wildlife movement corridors. It is not anticipated that future site development would represent new barriers to wildlife movement. However, candidate site analysis was based on programmatic sources such as City GIS, MHCP listings, and State/Federal Fish and Wildlife services. Because site-specific surveys were not conducted in conjunction with this EA, future development of these sites would not adversely impact wildlife corridors. The Project would not interfere substantially with a wildlife corridor and a less than significant impact would occur in this regard.

GENERAL PLAN POLICIES AND MITIGATION MEASURES:

GENERAL PLAN POLICIES:

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

- RME Policy 10.5
- RME Policy 13.5
- RME Policy 13.6

MITIGATION MEASURES:

No mitigation measures concerning biological resources/wildlife corridors were identified in 2016 PEIR Section 4.3.8 and none are necessary for the revised Project.

LEVEL OF SIGNIFICANCE: Less than Significant Impact

4.3.4 - Issue 5: Habitat Conservation Planning
Would the Project conflict with the provisions of an adopted Habitat Conservation Plan (HCP), NCCP, or other approved local, regional, or State HCP?

IMPACTS:

2016 PEIR

The potential impacts concerning habitat conservation planning are discussed in 2016 PEIR Section 4.3.9 (Issue 1, page 4.3-39). The 2016 PEIR concluded that future development would not conflict with an adopted HCP, NCCP, or any other approved local, regional, or State HCP. Implementation of Mitigation Measures BIO-1 through BIO-4 would ensure future development would be consistent with the MHCP by requiring site specific surveys to be conducted for future project-level review to verify the presence of sensitive biological resources occurring on individual housing sites; determine the extent of any potential impacts; and provide mitigation to reduce the impacts to below a level of significance. As future projects would be required to address sensitive species and vegetation communities identified in the MHCP, development in accordance with the HEU would not conflict with an adopted HCP, NCCP, or any other approved local, regional, or State HCP. Impacts were considered less than significant.

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

REVISED PROJECT

The addition of the Candidate Sites would not change the findings of the 2016 PEIR. As future projects would be required to address sensitive species and vegetation communities identified in the MHCP, development in accordance with the HEU would not conflict with an adopted HCP, NCCP, or any other approved local, regional, or State HCP. Impacts would be less than significant in this regard.

GENERAL PLAN POLICIES AND MITIGATION MEASURES:

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

- RME Policy 5.1
- RME Policy 5.2
- RME Policy 10.5

MITIGATION MEASURES:

No mitigation measures concerning biological resources/habitat conservation planning were identified in 2016 PEIR Section 4.3.9 and none are necessary for the revised Project.

LEVEL OF SIGNIFICANCE: Less than Significant Impact

4.3.4 - Issue 6: Policies and Ordinances Protecting Biological Resources

Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

IMPACTS:

2016 PEIR

The potential impacts concerning policies and ordinances protecting biological resources are discussed in 2016 PEIR Section 4.3.10 (Issue 1, page 4.3-40). The 2016 PEIR concluded that future housing development would not conflict with local policies or ordinances protecting biological resources. Mitigation Measures BIO-1 through BIO-4 would require site-specific surveys to be conducted for future project-level review to verify the presence of sensitive biological resources occurring on individual housing sites, determine the extent of any potential impacts, and provide mitigation to reduce the impacts to below a level of significance.

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

REVISED PROJECT

Mitigation Measures BIO-1 through BIO-4 would require site specific surveys to be conducted for future project-level review to verify the presence of sensitive biological resources occurring on individual candidate sites, determine the extent of any potential impacts, and provide mitigation to reduce the impacts to a less than significant level. Refer to Section 4.1, *Aesthetics*, Issue 4, for a further analysis and explanation of the City's tree protection programs. Candidate site analysis was based on programmatic sources such as City GIS, MHCP listings, and State/Federal Fish and Wildlife services. Because site-specific surveys were not conducted in conjunction with this EA, future development of these sites has the

potential to impact sensitive vegetation communities. All future development projects would be subject to compliance with the EGP policies and EMC § 15.02 regulations, and Mitigation Measures BIO-1 through BIO-4. Specific policies and regulations are listed below. Impacts would be less than significant with mitigation.

GENERAL PLAN POLICIES AND MITIGATION MEASURES:

GENERAL PLAN POLICIES:

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

- RME Policy 3.1
- RME Policy 3.2
- RME Policy 3.6

MITIGATION MEASURES:

No mitigation measures concerning biological resources/policies and ordinances protecting biological resources were identified in 2016 PEIR Section 4.3.10 and none are necessary for the revised Project.

LEVEL OF SIGNIFICANCE: Less than Significant Impact

4.3.5 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts concerning biological resources have been identified following compliance with the established regulatory framework.

4.3.6 SOURCES CITED

California Native Plant Society (CNPS). 2018 Inventory of Rare and Endangered Plants of California (8th Edition). Accessed from http://www.rareplants.cnps.org/result.html?ccl=SDG May 1, 2018.

U.S. Fish and Wildlife Service. Endangered Species Finder. https://www.fws.gov/endangered/ Accessed May 1, 2018.

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