

RESOLUTION NO. 2016-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL ASSESSMENT/PROGRAM ENVIRONMENTAL IMPACT REPORT AND ADOPTING FINDINGS OF FACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 2013-2021 HOUSING ELEMENT UPDATE PROJECT (CASE NO. 14-200 POD; CITYWIDE)

WHEREAS, California Government Code Section 65588(b) requires the City of Encinitas to periodically prepare an update to the Housing Element of its General Plan;

WHEREAS, the City Council directed the City Manager to cause the Planning and Building Department to proceed with this update to the City's Housing Element for the 2013-2021 planning period, Planning Case 14-200 POD ("Project"), which affects properties citywide;

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), 14 California Code of Regulations Section 15000 et. seq., the City is the lead agency for the Project, as the public agency with the principal responsibility for approving the proposed Project;

WHEREAS, the City of Encinitas entered into a professional services contract with RECON Environmental to prepare the Environmental Assessment/Program Environmental Impact Report ("EIR") under the supervision of the City's Planning and Building Department, which described the Project, the environmental impacts resulting there from, and the proposed mitigation measures;

WHEREAS, in accordance with CEQA Guidelines Section 15082, the City distributed a Notice of Preparation ("NOP") of the Draft EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties on April 10, 2015 for a 30-day public comment period. Various agencies and other interested parties responded to the NOP. In addition, a public scoping meeting was held on April 23, 2015;

WHEREAS, the Draft EIR for the proposed project was then prepared and after completing the Draft EIR (SCH No. 2015041044), the City released the document for public review for a 45-day public comment period, beginning January 29, 2016 and ending on March 14, 2016, by filing a Notice of Availability with the County Clerk of San Diego;

WHEREAS, during the 45-day public comment period of the Draft EIR, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies and others pursuant to State CEQA Guidelines Sections 15086 and 15087;

WHEREAS, the City received comments concerning the Draft EIR from public agencies, organizations, and individuals, and pursuant to CEQA Guidelines Section 15088, the City prepared responses to all written comments received on the Draft EIR which raised environmental issues;

WHEREAS, the City has determined that the comments received on the Draft EIR did not contain any significant new information within the meaning of CEQA Guidelines Section 15088.5 and therefore, recirculation of the Draft EIR is not required;

WHEREAS, the City prepared a Final EIR, which contains the information required by CEQA Guidelines Section 15132, including the Draft EIR, the technical appendices and referenced documents, revisions and additions to those documents, public and agency comments on the Draft EIR and the City's responses to comments, which was sent out for a 10-day public notice period on May 12, 2016 and ending on May 23, 2016 pursuant to Public Resources Code Section 21092.5;

WHEREAS, the Planning Commission did hold a duly noticed public hearing as prescribed by law to consider on the certification of the Final EIR on May 24, 2016, which was continued to May 26, 2016, during which it received any evidence and took and considered public testimony from those wishing to be heard regarding certification of the Final EIR;

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 2016-27 recommending that City Council certify the EIR, adopt the findings of fact, adopt the statement of overriding considerations and adopt the Mitigation Monitoring and Reporting Program, and adopted Planning Commission Resolution No. 2016-26 recommending approval of said Project, with recommended revisions, on file with the Office of the City Clerk and incorporated by this reference;

WHEREAS, pursuant to Public Resources Code Section 21092.5, the City provided a Notice of City Council Public Hearing to all organizations and individuals who had previously requested such notice, and published the Notice of Public Hearing on June 3, 2016, in the Coast News;

WHEREAS, the City Council did on June 15, 2016 hold a duly noticed public hearing as prescribed by law to consider the Planning Commission's recommendation to certify the Final EIR and approve said project, during which it considered all factors relating to the EIR and the Project, including additional evidence and considered public testimony from those wishing to be heard regarding certification of the Final EIR;

WHEREAS, the City Council has carefully reviewed and considered all environmental documentation comprising the Final EIR, including the Draft EIR and the revisions and additions thereto, the technical appendices and referenced documents, and the public comments and the responses thereto **(Exhibit A of this Resolution, on file in the Office of the City Clerk and incorporated by this reference)**, and has found that the Final EIR considers all potentially

significant environmental impacts of the Project and is complete and adequate, and fully complies with all requirements of CEQA and the State CEQA Guidelines;

WHEREAS, at said public hearing, the City Council considered all significant impacts, mitigation measures, and Project alternatives identified in the Final EIR and found that all potentially significant impacts of the Project have been lessened or avoided to the extent feasible;

WHEREAS, CEQA and the CEQA Guidelines provide that no public agency shall approve or carry out a project for which an EIR has been completed that identifies one or more significant effects of the project unless the public agency makes certain written findings for each of the significant effects, accompanied by a statement of facts supporting each finding;

WHEREAS, CEQA and the CEQA Guidelines require that where an agency approves a project that would allow the occurrence of significant environmental effects which are identified in an Environmental Impact Report, but are not mitigated to a level of insignificance, the agency state in writing the specific reasons supporting its action based on the Final EIR and/or other information in the record; and

WHEREAS, pursuant to CEQA Guidelines Section 15091, 15093, and 15097, the City of Encinitas has prepared Findings of Fact (as revised based on City Council's decision described herein), a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (as revised based on City Council's decision described herein), which have been filed with the City of Encinitas (**Exhibits B and C of this Resolution**);

WHEREAS, the City Council has balanced the benefits of the Project against its unavoidable environmental risks in making its recommendation on this Project as necessary to serve the existing and future needs of the City of Encinitas, has analyzed the information submitted by staff and considered any written and oral comments received at the public hearing, including all factors relating to the Project (Planning Case 14-200 POD), and has determined that any remaining unavoidable significant impacts are outweighed by specific economic, legal, social, or other benefits of the Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Encinitas, in its independent judgment, hereby finds that:

SECTION 1. The foregoing recitations are true and correct and are incorporated herein by this reference as though set forth in full.

SECTION 2. As recommended by the Planning Commission and identified in Planning Commission Resolution 2016-27, on file in the Office of the City Clerk and incorporated herein by this reference, Mitigation Measure GHG-2 in the Final EIR shall be modified as to include a mechanism to monitor the plan's progress toward achieving the specified levels and to require amendment if the plan is not achieving specified levels.

SECTION 3. The following mitigation measures recommended in the Final EIR shall be revised as follows:

a. Mitigation Measure BIO-5 is revised to strike the following text: ~~...; unless the applicant demonstrates that a buffer of lesser width would protect the resources of the wetland based on site-specific information...~~

b. Mitigation Measure HYD-1 is revised as follows (~~strikeout~~ indicates deleted text and underline indicates new text): ...shall be designed to reduce potential flooding hazards ~~subject to the satisfaction of the City Engineer~~ consistent with sound engineering practices with a preference for low impact development.

c. Mitigation Measure NOS-1 is revised as follows (~~strikeout~~ indicates deleted text and underline indicates new text): ...If necessary, additional sound barriers shall be constructed on the commercial sites to protect nearby noise sensitive uses and hours of delivery ~~can~~ shall be limited if determined as needed through the study...

d. Mitigation Measure GHG-2 is revised as follows (~~strikeout~~ indicates deleted text and underline indicates new text): ...Upon completion of the climate action plan, future development shall be ~~reviewed for consistency~~ consistent with the CAP, and projects may utilize the project implementation checklist to ensure compliance with the City's GHG reduction targets.

e. Mitigation Measure TRF-27 is revised as follows (~~strikeout~~ indicates deleted text and underline indicates new text): ...To establish this mitigation program, the City shall identify the costs associated with feasible traffic improvements identified in Table 4.13-21 of the Final EIR, or equally feasible opportunities, such as but not limited to local transit in conjunction with local transit agency providers and roundabouts as traffic mitigation. Once the costs are established, the City shall undertake a nexus study to identify how the funds will be collected on a per project basis (e.g., by trip generated, unit, etc.). Costs funded may include program administration, project administration and management, design and engineering, regulatory compliance, and construction. The nexus study will also evaluate additional improvements for multimodal facilities, including transit capital, and operations and maintenance costs...

SECTION 4. The Final EIR, as so amended and evaluated, is adequate and provides good-faith disclosure of available information on the Project and all reasonable and feasible alternatives thereto, including the No Project Alternative and Sustainable Mixed Use Places Alternative.

SECTION 5. No Significant New Information Added to Draft EIR. The information provided in the various reports submitted in connection with the Project and in the responses to comments on the Draft EIR, the information added to the Final Environmental Impact Report, and the evidence presented in written and oral testimony at public hearings on the Project, do not constitute significant new information that would require recirculation of the EIR pursuant to Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5.

SECTION 6. The findings of the Planning Commission, contained in Planning Commission Resolution No. 2016-27, on file with the Office of the City Clerk and incorporated herein by reference, are hereby adopted as the findings of the City Council.

SECTION 7. The City Council finds and determines that the applicable provisions of CEQA and the State CEQA Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto.

SECTION 8. The City Council finds and determines that (a) the Final EIR is complete and adequate in scope and has been completed in compliance with CEQA and the State CEQA Guidelines for implementation thereof, (b) the Final EIR was presented to the City Council, and the City Council has fully reviewed and considered the information in Final EIR prior to approving the Project, (c) the Final EIR reflects the City Council's independent judgment and analysis, and, therefore, the Final EIR is hereby declared to be certified in relation to the subject of this Resolution.

SECTION 9. The City Council finds and determines that the Project is approved despite the existence of certain significant environmental effects identified in the Final EIR and, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the City Council hereby makes and adopts the findings with respect to each significant environmental effect as set forth in the Findings of Fact, appended hereto as Exhibit "B" and made a part hereof by this reference, and declares that it considered the evidence described in connection with each such finding.

SECTION 10. The City Council further finds and determines that the Project is approved despite the existence of certain unavoidable significant environmental effects identified in the Final EIR, and, pursuant to Public Resources Code section 21081(b) and CEQA Guidelines section 15093, the City Council hereby makes and adopts the Statement of Overriding Considerations appended hereto as Exhibit "B" and made part hereof by this reference, and finds that such effects are considered acceptable because the benefits of the Project outweigh the unavoidable environmental effects.

SECTION 11. Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d), the City Council hereby adopts and approves the Mitigation Monitoring and Reporting Program, which is appended hereto as Exhibit "C" and is made a part hereof by this reference, with respect to the significant environmental effects identified in the Final EIR, and hereby makes and adopts the provisions of the Mitigation Monitoring and Reporting Program as conditions of approval for the Project.

SECTION 12. This action is final on the date this resolution is adopted by the City Council. Time limits for judicial review, as governed by Code of Civil Procedure, Section 1094.6, shall apply.

SECTION 13. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), all documents and other materials which constitute the record of proceedings are located at the City of Encinitas Civic Center. The City Clerk, whose office is located at 505 S. Vulcan Avenue, Encinitas, California 92024, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

PASSED AND ADOPTED this 15th day of June, 2016 by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Kristin Gaspar, Mayor
City of Encinitas

ATTEST:

Kathy Hollywood, City Clerk

At Home in Encinitas,
the City of Encinitas Housing Element Update

CEQA FINDINGS OF FACT

ENVIRONMENTAL ASSESSMENT/

PROGRAM ENVIRONMENTAL IMPACT REPORT

(SCH #2015041044)

NOTE TO READER:

*This document reflects City Council's final decision and
therefore supersedes the document in the EIR*

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I. INTRODUCTION

The California Environmental Quality Act (CEQA) (Pub. Res. Code §§ 21000, et seq.) and the CEQA Guidelines (14 Cal. Code Regs §§ 15000, et seq.) promulgated thereunder, require that the environmental impacts of a project be examined before a project is approved. In addition, once significant impacts have been identified, CEQA and the CEQA Guidelines require that certain findings be made before project approval. Specifically, regarding findings, CEQA Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are: (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final Program Environmental Impact Report (PEIR); (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final PEIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in CEQA Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations must be prepared. The statement provides the lead agency’s views on the ultimate balancing of the merits of approving a

project despite its environmental damage. Regarding a Statement of Overriding Considerations, CEQA Guidelines Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final PEIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final PEIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The following Candidate Findings of Fact and Statement of Overriding Considerations (Findings) are the findings that would need to be made by the decision-making body prior to certification of the Final PEIR. It is the discretion of the decision-maker certifying the Final PEIR to determine the adequacy of the proposed Findings. It is the role of staff to independently evaluate the proposed Findings, and to make a recommendation to the decision-maker regarding their legal adequacy.

Having received, reviewed, and considered the Final PEIR for *At Home in Encinitas*, the City of Encinitas Housing Element Update (the project), State Clearinghouse No. 2015041044, as well as all other information in the Record of Proceedings (as defined below) on this matter, the following Findings are hereby adopted by the City of Encinitas (City) in

its capacity as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

A. Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project includes but is not limited to the following documents and other evidence:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the proposed project;
- Comments received on the NOP;
- Scoping Meeting(s) and comments received at Scoping Meeting(s);
- The Draft Environmental Assessment(EA)/PEIR and appendices for the proposed project;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR;
- All written and verbal public testimony presented during a noticed public hearing for the proposed project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in the responses to public comments;
- All documents, studies, EIRs, or other materials incorporated by reference or cited to in the Draft PEIR and the Final PEIR;
- The Final PEIR and all supplemental documents prepared for the Final PEIR and submitted to the City of Encinitas City Council (City Council) prior to the City Council hearing;

- Matters of common knowledge to the City, including but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings;
- City staff report(s) prepared for the hearing related to the proposed project and any exhibits thereto;
- Project permit conditions; and
- Any other relevant materials required to be in the record of proceedings by CEQA section 21167.6(e).

The Draft PEIR and related technical studies were made available for review during the public review period on the City's website at www.AtHomeinEncinitas.info and at the following public locations:

City of Encinitas
Planning and Building Department
515 S. Vulcan Avenue
Encinitas, California 92024

Encinitas Branch Library
540 Cornish Drive
Encinitas, CA 92024

B. Custodian and Location of Records

The documents and other materials, which constitute the administrative record for the City's actions related to the project, as detailed in Section I.B. above, are located at City Planning and Building Department, 515 S. Vulcan Avenue, Encinitas, California 92024. The City Planning and Building Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of Proceedings, are at all relevant and required times have been and will be available upon request at the offices of the City Planning and Building Department. This information is provided in compliance with Public Resources Code section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

II. PROJECT SUMMARY

A. Project Location

The project area is located within the Coastal Zone and encompasses five communities—Leucadia, New Encinitas, Olivenhain, Old Encinitas, and Cardiff. The City (and its Sphere of Influence) are composed of approximately 13,328 acres of land in the County of San Diego, roughly 20 miles north of downtown San Diego and 95 miles south of Los Angeles. The jurisdictions that surround the City include the City of Carlsbad to the north, the City of Solana Beach to the south, and unincorporated area of Rancho Santa Fe to the east. The Pacific Ocean lies at the City's western boundary. Interstate 5 (I-5) and Coast Highway 101 traverse the western portion of the City in a north-south direction. The project study area consists of approximately 150 acres of land on distinct sites within each of the five communities.

B. Project Description

The project is *At Home in Encinitas*, the City's General Plan Housing Element Update (HEU) for the housing cycle 2013–2021. The State of California mandates that all cities and counties prepare a Housing Element as part of the comprehensive General Plan. The 2013–2021 Housing Element represents the City's effort in fulfilling the requirements under the State Housing Element law. The San Diego Association of Governments (SANDAG) Board of Directors adopted the final Regional Housing Needs Assessment (RHNA) Plan for this Housing Element cycle on October 28, 2011. The RHNA identified a housing need of 1,283 low and very low income housing units in the City, which also includes a carryover of 253 prior housing cycle units. These are attached and multi-family housing units.

The project includes an update to the uncertified 1992 Housing Element, including revised goals and policies, along with new and continuing implementation programs to ensure consistency with current State housing law. The update also integrates updated socioeconomic data, as well as other population and household characteristics to support the development of the Housing Element.

To meet these future housing needs, the City has identified 33 potential housing sites to accommodate new housing within each community. Various combinations of these viable

housing sites comprise three concept housing strategy maps, which were selected by City Council for analysis in the PEIR: Housing Strategy 1 – “Ready Made” (RM); Housing Strategy 2 – “Build-Your-Own” (BYO) and Housing Strategy 3 – “Modified Mixed Use Places” (MMUP). Each housing strategy includes a description of land uses, type of development, and basic site design that could be attained. Each of the three strategy maps are studied in detail in the PEIR. A fourth strategy map - “Sustainable Mixed Use Places” (SMUP) is studied as a feasible alternative in Chapter 9.0 of the PEIR (and described in detail in Section IX, below). After a preferred housing strategy is adopted by the City Council, the project would be presented to the voters of the City in November 2016. In conjunction with the HEU, the City will adopt an implementation program that includes General Plan Land Use Plan amendments; rezoning of housing sites; Zoning Code amendments; Municipal Code amendments; new Design Guidelines; amendments to the North 101 Corridor Specific Plan, Downtown Encinitas Specific Plan, Encinitas Ranch Specific Plan, and Cardiff-by-the-Sea Specific Plan; a Local Coastal Program Amendment; and the adoption of other programs necessary to implement the Housing Element, as set forth in the implementation program. A Noise Element amendment is being processed concurrently to resolve internal inconsistencies in the existing element and reflect contemporary noise standards. Finally, an amendment to the Community Character and Voters’ Rights Initiative portion of the Land Use Element and Zoning Code Chapter 30.00 would modify building height limitations and authority to grant land use change approvals in very specific circumstances. Collectively, these actions would serve as a blueprint to accommodate future housing and provide housing-related services within the City.

C. Discretionary Actions

The following discretionary actions are being considered by the City Council with advisory votes by the Planning Commission:

- Adopt the Housing Element Update, which amends the General Plan.
- Amend the General Plan Land Use Element for conformance.
- Amend Land Use Element Goals 2 and 4 for growth management program modification.

- Amend the Community Character and Voters' Rights Initiative portion of the Land Use Element and Zoning Code Chapter 30.00 to modify building height limitations and authority to grant land use change approvals in very specific circumstances.
- Amend Zoning Code Chapter 23.08 to allow additional authority to grant permit.
- Amend Zoning Code Section 30.04.10 to add a new zone "*At Home in Encinitas zone*" definition.
- Amend Zoning Code Section 30.34.30 to allow additional authority to grant permit.
- Amend Zoning Code Chapter 30.72 to allow additional authority to grant permit.
- Add Zoning Code Chapter 30.36 for the *At Home in Encinitas Zone*, which also adopts the Design Guidelines as a part of this new chapter by reference.
- Amend the North 101 Corridor Specific Plan, Encinitas Ranch Specific Plan, Downtown Encinitas Specific Plan, and Cardiff Specific Plan to establish a foundation for new zone implementation.
- Amend the Land Use and Implementation Program portions of the Local Coastal Program (LCP).

The following actions by the registered voters of Encinitas would be required for approval the HEU:

- Public Vote on the HEU, General Plan Amendments, Amendments to Specific Plans and Zoning Code Amendments as provided by Chapter 30.00. Included in the proposed Zoning Standards is a provision to delegate authority to make major amendments related to maintaining state compliance with the Housing Element back to the City Council with a super majority vote as part of the public vote on the actions necessary for approval of the HEU.

The following activities or actions are required by other agencies:

- California Coastal Commission to certify the LCP, as amended.
- California Department of HCD to review the Housing Element for compliance with State law.

The following ancillary actions are needed to help implement the HEU objectives:

- Amend the Noise Element to resolve internal inconsistencies and address mixed use development standards. The amendment focuses on policies 1.1 through 1.7.
- Amend the Land Use Element to delete policies as specified by Proposition A, the Community Character and Voters' Rights Initiative, except in areas of conflict with the HEU.
- Amend the North 101 Corridor Specific Plan and Downtown Encinitas Specific Plan to modify regulations that constrain housing development.

D. Statement of Objectives

The primary objectives of the proposed project include the following objectives related to the HEU:

1. **Housing Choice.** Accommodate a variety of housing types to meet the needs of all Encinitas residents, creating opportunities for attainably-priced housing for all income groups.
2. **Adequate Supply.** Provide adequate sites with corresponding density to meet the City's RHNA allocation, inclusive of prior planning cycle carryover housing units.
3. **Effective Implementation.** Deliver State-mandated and locally desired programs to implement the City's Housing Element.

The following are the objectives relative to the housing strategies:

1. **Maintain Community Character.** Integrate future development using a blend of two- and three-story buildings or building elements into the City's seven community

character contexts through appropriately located sites and project design, and embrace the unique cultural identities expressed in each of the five communities.

2. **Emphasize Mixed Use.** Accommodate mixed use, walkable places in key activity centers of every Encinitas community, while allowing for some standalone housing.
3. **Achieve a Variety of Neighborhood Types.** Provide a mix of building types and varied site designs that incorporate existing community character contexts to achieve a variety of neighborhood types in which to develop new housing and mixed use.
4. **Consider Infrastructure Conditions.** Ensure adequate infrastructure to support new housing by locating future development in areas that have existing or potential capacity for infrastructure and public services to accommodate it.
5. **Address Mobility Needs.** Maintain or enhance community access and mobility networks.
6. **Strive for a Sustainable Encinitas.** Coordinate planning for land use, transportation, and housing to reduce environmental impacts and preserve a natural, healthy environment.
7. **Strengthen the Local Economy.** Locate housing in the right places to grow the economy organically by supporting local businesses and making the City more fiscally sustainable.
8. **Equitably Distribute Multi-family Housing.** Distribute attached and multi-family housing to the City's five communities.

The City has considered the statement of objectives as specified in Section 3.3 of the Final PEIR. The City hereby adopts these objectives as part of the proposed project.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

In accordance with CEQA Guidelines Section 15082, the City distributed an NOP of a Draft PEIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties on April 10, 2015 for a 30-day public comment period. Various agencies

and other interested parties responded to the NOP. In addition, a public scoping meeting was held on April 23, 2015. The City's NOP and comments are included in the Final PEIR as Appendix A-2.

The Draft PEIR for the proposed project was then prepared and circulated for review and comment by the public, agencies and organizations for a public review period that began on January 29, 2016 and concluded on March 14, 2016. A Notice of Completion of the Draft PEIR was sent to the State Clearinghouse, Office of Planning and Research (SCH No. 2015041044). A Notice of Availability of the Draft PEIR for review was mailed to organizations and parties expressing interest in the project. The Notice of Availability was also filed with the City Clerk and published in the Coast News. The City received comments on the proposed project. Those comments and the responses to comments have been incorporated into the Final PEIR.

On May 24 and May 26, 2016, the City of Encinitas Planning Commission (Planning Commission) held public hearings on the proposed project. The Planning Commission unanimously recommended approval of the project with a 5 – 0 vote, as set forth in Planning Commission Resolutions No. 2016-27 and 2016-26.

IV. GENERAL FINDINGS

The City hereby finds as follows:

- Pursuant to CEQA Guidelines sections 15050 and 15051, the City is the “Lead Agency” for the proposed project.
- The Draft PEIR and Final PEIR were prepared in compliance with CEQA and the CEQA Guidelines.
- The City has independently reviewed and analyzed the Draft PEIR and Final PEIR, and these documents reflect the independent judgment of the City.
- An MMRP has been prepared for the proposed project, which the City has adopted or made a condition of approval of the proposed project. That MMRP is incorporated herein by reference and is considered part of the Record of Proceedings for the proposed project.

- The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures. The City will serve as the MMRP Coordinator.
- In determining whether the proposed project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has based its decision on substantial evidence and has complied with CEQA Sections 21081.5 and 21082.2 and CEQA Guidelines Section 15901(b).
- The impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the Final PEIR.
- Pursuant to Senate Bill 18, the City provided consultation opportunity with Native American tribes, as relevant.
- The City reviewed the comments received on the Draft PEIR and the responses thereto and has determined that neither the comments received nor the responses to such comments add new information regarding environmental impacts associated with the proposed project that would require recirculation of the Draft PEIR pursuant to CEQA Guidelines Section 15088.5. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings concerning the environmental impacts identified and analyzed in the Final PEIR.
- The responses to comments on the Draft PEIR, which are contained in the Final PEIR, clarify and amplify the environmental analyses therein.
- The City has made no decisions that constitute an irretrievable commitment of resources toward the proposed project prior to certification of the Final PEIR, nor has the City previously committed to a definite course of action with respect to the proposed project.
- Copies of all the documents incorporated by reference in the Draft PEIR and/or Final PEIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials.

- Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the proposed project and makes the findings as stated in Section V, below.

V. FINDINGS REQUIRED UNDER CEQA

CEQA Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effects of such projects[...].” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures that will avoid or substantially lessen such significant effects. CEQA Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects.”

The mandate and principles announced in CEQA Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR” (CEQA Guidelines Section 15091(a)(1)). The second permissible finding is that “such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines Section 15091 (a)(2)). The third potential conclusion is that “specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR” (CEQA Guidelines Section 15091(a)(3)). CEQA Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA

Guidelines Section 15364 adds another factor: “legal” considerations (see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565).

The concept of “feasibility” of a particular alternative or mitigation measure promotes the underlying goals and core objectives of a project (see *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 18; see also *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417). “[F]easibility under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” (Ibid).

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. CEQA Section 21081, on which CEQA Guidelines Section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” The CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects” (CEQA Section 21002).

For purposes of these Findings, the term “avoid” means to not result in a significant impact. In contrast, the term “substantially lessen” refers to the effectiveness of a mitigation measure or measures to substantially reduce the severity of a significant effect to a level less than significant.

Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level or has simply been substantially lessened but remains significant. Moreover, although CEQA Guidelines Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the Final PEIR.

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modifications or alternatives are not required, however, where such changes are infeasible. (CEQA Guidelines, § 15091, subd. (a)(3)).

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or a feasible environmentally superior alternative, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects" (CEQA Guidelines Sections 15093 and 15043(b)). The California Supreme Court has stated that, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced" (Goleta, supra, 52 Cal.3d at p. 576; see also *Cherry Valley Pass Acres Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 357-359).

Legal Effects of Findings

To the extent that these Findings conclude that various project design features and mitigation measures outlined in the Final PEIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds itself to implement these measures. These Findings, therefore constitute a binding set of obligations that will come into effect when the City formally approves the proposed project.

The project design features and adopted mitigation measures are included in the MMRP adopted concurrently with these Findings and will be effectuated through the process of implementation of the HEU.

VI. MITIGATION MONITORING AND REPORTING PROGRAM

As required by CEQA Section 21081.6 (a)(1), the City, in adopting these Findings, also concurrently adopts a MMRP. The program is designed to ensure that during implementation of the HEU, all responsible parties comply with the feasible mitigation measures identified below. The MMRP is described in the document entitled Mitigation Monitoring and Reporting Program. The City will use the MMRP to track compliance with project mitigation measures. The MMRP will be available for the public to review by request during the mitigation compliance period, which is on-going following project approval through buildout of the project.

The monitoring program will serve the dual purpose of verifying completion of the mitigation measures for the project and generating information on the effectiveness of the mitigation measures to guide future decisions.

VII. SUMMARY OF IMPACTS

The Final PEIR contains an environmental analysis of the potential impacts associated with implementing the proposed project. The Final PEIR concludes that implementation of the project (housing strategies 1 through 3 and the Sustainable Mixed Use Places [SMUP] Alternative) would result in **significant impacts that would be mitigated to below a level of significance** with respect to the following issue areas: Air Quality (Criteria Pollutants, Sensitive Receptors); Biological Resources (Sensitive Species, Sensitive Vegetation Communities, and Wetlands); Cultural Resources (Paleontological Resources); Hazards and Hazardous Materials (Accidental Release, Emissions Near a School); Hydrology and Water Quality (Flooding/Inundation); Land Use and Planning (Neighborhood Compatibility – Noise/Land Use Compatibility), and Noise (On-site Generated Noise, Temporary Noise).

For housing strategies 1 through 3, the following impacts **would remain significant despite the adoption of all feasible mitigation measures**: Aesthetics (Public Views and Scenic Resources at Site O-4 and Community Character at Sites L-7, O-4, and O-5); Air Quality (Consistency with Regional Air Quality Standards [RAQS]); Cultural Resources

(Historical Resources, Archaeological Resources); Greenhouse Gas Emissions; Land Use and Planning (Neighborhood Compatibility - Traffic, Aesthetics) and Transportation and Traffic (Circulation System Capacity and Operations). The SMUP Alternative would incrementally reduce all of the aforementioned significant impacts, and would preclude the significant unavoidable aesthetics impacts associated with housing strategies 1 through 3.

VIII. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

A. Impacts Mitigated to Less-Than-Significant Levels

1. Air Quality

Thresholds of Significance Issue 2: Criteria Pollutants

Pursuant to Issue 2, a significant impact would occur if the proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including release emissions, which exceed quantitative thresholds for ozone precursors).

Impacts

As discussed in Section 4.2.6 of the Final PEIR and shown on Table 4.2-5, all three housing strategies and specifically, the following 11 housing sites would result in construction emissions that exceed the significance threshold for ROG of 250 pounds per day: ALT-7, ALT-2, NE-4, ALT-3, OE-5, ALT-5, OE-8, C-2, NE-3, C-1 and NE-1 (Impacts AQ-2). These emissions would be due to the VOC content of the architectural coatings. Specifically, the impacts of each housing strategy are as follows:

Housing Strategy 1 – Ready Made (RM)

Housing sites OE-5, C-2, and NE-4 would result in potentially significant construction emissions due to emissions of ROG that exceed the significance threshold of 250 pounds per day.

Housing Strategy 2 – Build Your Own (BYO)

Housing sites C-2, NE-3, and OE-8 would result in potentially significant construction emissions due to emissions of ROG that exceed the significance threshold of 250 pounds per day,

Housing Strategy 3 – Modified Mixed Use Places (MMUP)

Housing sites ALT-2, ALT-3, ALT-5, C-2, C-1, NE-1 and ALT-7 would result in potentially significant construction emissions due to emissions of ROG that exceed the significance threshold of 250 pounds per day.

Sustainable Mixed-Uses Places (SMUP) Alternative Housing Strategy

The SMUP Alternative would only include the following sites: ALT-7, ALT-2, ALT-3, C-1, and NE-1. Impacts related to criteria pollutants from the future development under SMUP Alternative would be less than under the HEU housing strategies.

Refer to Appendix J of the Final PEIR for technical air quality methodology and modeling results.

Explanation

Housing sites ALT-7, ALT-2, NE-4, ALT-3, OE-5, ALT-5, OE-8, C-2, NE-3, C-1 and NE-1 are the larger housing sites that would involve a larger volume of architectural coatings during construction. Application of architectural coatings would occur during the final phase of construction. As shown in Table 4.2-5 of the Final PEIR, the significance threshold for ROG is 250 pounds per day. The listed housing sites would generate daily emissions of ROG in excess of the established threshold, resulting in a potentially significant impact.

Mitigation

AQ-2: For future development of housing sites consistent with the new zone program, wherein the City has determined a potential for ROG emissions impacts could occur, the Planning and Building Department shall require that the construction contractor be limited to the use of architectural coating (paint and primer) products that have a low- to no-VOC rating.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final PEIR to a level of insignificance. Specifically, mitigation measure AQ-2 is a feasible measure and shall be required as a condition of approval and made a binding condition of future development of applicable housing sites. Implementation of this mitigation measures would reduce the significant impacts related to criteria pollutant (ROG) emissions because it requires that during construction of specified housing sites, low- to no-VOC rated architectural coatings are used to ensure the daily emissions are below the significance threshold. For these reasons, implementation of mitigation measure AQ-2 would reduce significant criteria pollutant impacts during construction to a less than significant level.

Thresholds of Significance Issue 3: Sensitive Receptors

Pursuant to Issue 3, a significant impact would occur if the project would expose sensitive receptors to substantial pollutant concentrations.

Impacts

As discussed in Section 4.2.7 of this Final PEIR, all three housing strategies would result in housing sites being located within 500 feet from Interstate 5 (I-5) which is a source of diesel particulate matter from vehicle emissions on I-5. Exposure to diesel particulate matter at housing sites C-1, CBHMG-1, OE-2, L-4 and L-5 would result in a potentially significant impact to sensitive receptors due to the potential adverse health effects resulting from long-term exposure to these pollutants (Impacts AQ-3). Only housing site C-1 would be included in the SMUP Alternative. Therefore, impacts to sensitive receptors under the SMUP Alternative would be less than the HEU strategies.

Explanation

Due to the location of housing sites C-1, CBHMG-1, OE-2, L-4, and L-5 within the California Air Resources Board's (CARB's) 500-foot recommended buffer distance from freeways for siting of sensitive land uses, a potentially significant impact from exposure to diesel particulate matter would occur.

Mitigation

AQ-3: In order to reduce impacts associated with exposure to diesel particulate matter, the following mitigation measure shall be implemented:

- Future development under the new zone program shall be designed to minimize exposure to roadway-related pollutants and exposure shall be mitigated to the maximum extent feasible. Design features may include but are not be limited to: maximizing the distance between the roadway and sensitive receptors, locating air intake at the non-roadway facing sides of buildings, and ensuring that windows nearest to the roadway do not open. The orientation and placement of outdoor facilities designed for moderate physical activity shall be placed as far from the emission source as possible. Mitigation may also include installing mechanical ventilation systems with fresh air filtration and constructing a physical barrier between the roadway source and receptors of pollutants (e.g., sound wall or vegetative planting).
- New parks with athletic fields, courts, and other outdoor facilities designed for moderate to vigorous activity under the new zone program should be sited at least 500 feet from the freeway. Exceptions to this recommended practice should be made only upon a written finding from a decision-making body that the benefits of such development outweigh the public health risks or that a site-specific analysis demonstrates a less than significant risk.
- Ventilation Systems: Ventilation systems that are rated at Minimum Efficiency Reporting Value of “MERV13” or better for enhanced particulate removal efficiency shall be provided on all residential units within the new zone, located within 500 feet of I-5.
- City staff shall ensure that the aforementioned requirements are included on plans associated with any permit for future development consistent with the new zone program and submitted for approval. The City shall verify compliance on-site prior to occupancy clearance. Staff shall also review the future Covenants, Conditions and Restrictions for inclusion of guidelines pertaining to the proper maintenance/replacement of filters.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final PEIR to a level of insignificance. Specifically, mitigation measure AQ-3 is a feasible measure and shall be required as a condition of approval and made a binding condition of future development of applicable housing sites. Implementation of this mitigation measures would reduce the significant impacts related to sensitive receptors because it would require design features to reduce diesel particulate emission concentrations such as installation of mechanical ventilation systems with fresh air filtration systems or constructing physical barriers between roadway emission sources and receptors. Additionally, parks and other outdoor facilities designed for moderate to vigorous activity under the HEU would be prohibited within 500 feet from a freeway unless a site-specific analysis is prepared showing the impact to sensitive receptors would be less than significant or the decision-making body makes a finding that the benefits of the development outweigh the public health risks. For these reasons, implementation of mitigation measure AQ-3 for housing strategies 1-3 and the SMUP Alternative would reduce significant impacts to sensitive receptors to a less than significant level.

Reference: Final PEIR Section 4.2, Air Quality; Appendix J, Air Quality Methodology and Modeling.

2. Biological Resources

Thresholds of Significance Issue 1: Sensitive Species

Pursuant to Issue 1, a significant impact would occur 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 California Department of Fish and Wildlife (CDFW) or USFWS (U.S. Fish and Wildlife Service).

Impacts

As detailed in Chapter 4.3.5 of the Final PEIR and Table 4.3-5, potentially significant direct impacts to sensitive plants and sensitive wildlife (Impact BIO-1) would occur for all housing strategies, and specifically resulting from development of housing sites ALT-4, ALT-5, C-6,

L-4, L-7, NE-3, O-2, O-4, O-5, O-6, OE-1, OE-2, and OE-7. Significant direct and/or indirect impacts to least Bell's vireo (Impact BIO-2) would occur for all housing strategies and specifically resulting from development of housing sites ALT-7, NE-1, O-4, O-5, and OE-2. Potentially significant direct impacts to migratory or nesting birds would occur for all housing strategies and specifically resulting from development of housing sites ALT-2, ALT-4, ALT-5, ALT-7, C-2, C-6, CBHMG-1, L-4, L-5, L-7, NE-1, NE-3, NE-4, NE-7, O-2, O-3, O-4, O-5, O-6, OE-1, OE-2, and OE-7 (Impact BIO-3). The SMUP Alternative includes the following sites: OE-1, OE-7, NE-1, C-6, NE-7, and O-3. Therefore, development under this alternative would result in slightly fewer impacts to sensitive species compared to any of the HEU housing strategies because fewer of the housing sites with the potential for sensitive species are included in this alternative.

Explanation

Potentially significant direct impacts to sensitive plants and wildlife could occur on the undeveloped housing sites ALT-4, ALT-5, C-6, L-4, L-7, NE-3, O-2, O-4, O-5, O-6, OE-1, OE-2, and OE-7 due to the removal of occupied habitat during grading and land development.

Potentially significant direct impacts to least Bell's vireo could occur on housing sites that support or are adjacent to riparian habitat (ALT-7, NE-1, O-4, O-5, and OE-2). Impacts would occur if either riparian habitat is removed or excess noise or lighting from construction activity within 300 feet of the riparian habitat is generated during the least Bell's vireo breeding season (April 10 to July 31).

Direct impacts to migratory or nesting birds within housing sites ALT-2, ALT-4, ALT-5, ALT-7, C-2, C-6, CBHMG-1, L-4, L-5, L-7, NE-1, NE-3, NE-4, NE-7, O-2, O-3, O-4, O-5, O-6, OE-1, OE-2, and OE-7 could occur because these sites support mature trees and/or native vegetation that could support nesting birds. If the on-site trees/vegetation is disturbed during the typical bird breeding season (January 15 – September 15), a potentially significant impact would occur.

Mitigation

BIO-1: Applications for future development of housing sites consistent with the new zone program, wherein the City has determined a potential for 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 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 are 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 pre-construction 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.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final PEIR to a level of insignificance. Specifically, Mitigation Measures BIO-1, BIO-2, and BIO-3 are feasible measures and shall be required as a condition of approval and made a binding condition of future development for applicable housing sites. Implementation of these mitigation measures would reduce the significant impacts related to sensitive species, including impacts to least Bell's vireo, and impacts to migratory or nesting birds. Mitigation measure BIO-1 would require site-specific general biological surveys. This measure would ensure that each site is specifically evaluated for the presence of sensitive species and appropriate mitigation measures are identified to reduce any potential impacts to below a level of significance. Mitigation measure BIO-2 would ensure that USFWS protocol surveys for least Bell's vireo are conducted for sites that would propose construction within 300 feet of riparian habitat. This measure would reduce potential impacts to least Bell's vireo to below a level of significance because if surveys identify the presence of the species, the measure requires construction noise monitoring to ensure noise levels do not adversely impact any occupied habitat. Mitigation measure BIO-3 would avoid impacts to nesting birds by requiring pre-construction bird surveys to occur if construction is to occur during the typical bird breeding season. Further, if surveys were to detect the presence of active bird nests, nest avoidance measures would be required consistent with the MTBA and CDFW code. For these reasons, implementation of

mitigation measure BIO-1, BIO-2, and BIO-3 would reduce significant impacts to sensitive species to a less than significant level for all housing strategies and the SMUP Alternative.

Thresholds of Significance Issue 2: Sensitive Vegetation Communities

Pursuant to Issue 2, a significant impact would occur if the project would 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

As discussed in Chapter 4.3.6 of this Final PEIR, potentially significant direct impacts to sensitive vegetation communities would occur for all housing strategies and the SMUP Alternative, specifically resulting from development of housing sites ALT-4, ALT-5, C-6, L-4, L-7, NE-3, O-2, O-4, O-5, O-6, OE-1, OE-2, and OE-7 (Impact BIO 4).

Explanation

Future development of housing sites would have the potential to directly impact sensitive vegetation communities through vegetation removal. Sensitive vegetation communities which exist or have the potential to exist on undeveloped housing sites include coastal sage scrub, southern maritime chaparral, grasslands and wetlands/riparian. Thus, removal of these vegetation communities associated with future development on housing sites containing these resources would be significant.

Mitigation

BIO-4: Prior to issuance of a permit for grading or vegetation removal, future development of housing sites consistent with the new zone program resulting in impacts to sensitive vegetation communities shall implement avoidance and minimization measures and provide suitable mitigation in accordance with the Multiple Habitat Conservation Program (MHCP).

Future project-level grading and site plans shall incorporate project design features to minimize direct impacts on sensitive vegetation communities including but not limited to riparian habitats, wetlands, non-native grassland, and coastal sage scrub. Mitigation for 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 impacts to sensitive vegetation communities shall be implemented at the time future development projects are proposed.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final PEIR to a level of insignificance. Specifically, mitigation measure BIO-4 is a feasible measure and shall be required as a condition of approval and made a binding condition of future development for sites that would remove any vegetation. Implementation of this mitigation measure would reduce the significant impact related to sensitive vegetation communities because it requires that future development incorporate design features to minimize direct impacts to sensitive vegetation communities, requires impacts to sensitive upland habitats occur in accordance with mitigation ratios established in the MHCP, and requires mitigation for impacts to sensitive vegetation communities at the time future development is proposed. Thus, implementation of this measure would ensure impacts to sensitive vegetation communities are fully mitigated at the time of site-specific impacts. For these reasons, implementation of mitigation measure BIO-4 would reduce significant impacts to sensitive vegetation communities to a less than significant level for all housing strategies and the SMUP Alternative.

Thresholds of Significance Issue 3: Wetlands

Pursuant to Issue 3, a significant impact would occur if the project would have a substantial adverse effect on wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Impacts

All three housing strategies and the SMUP Alternative would have the potential to impact jurisdictional waters or wetlands based on the potential presence of wetland resources on the following housing sites: ALT-4, ALT-5, ALT-7, C-6, L-4, L-7, NE-1, NE-3, O-2, O-4, O-5, O-6, OE-1, OE-2, and OE-7.

Explanation

Although there are various policies and regulations aimed at the protection of wetland resources (Policies 9.3, 10.6, 10.9, and 10.11 of the General Plan Resource Management Element; Policies 1.1, 8.5, and 8.6 of the Downtown Encinitas Specific Plan; and Section 30.34.040 of the Municipal Code), the site-specific requirements for each housing site are not known due to a lack of site specific analysis for a program-level EIR. Thus, buildout of the specified housing sites may either contain or be adjacent to wetlands and future development of these sites could directly impact jurisdictional waters or wetlands.

Mitigation

BIO-5: 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 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 U.S. Army Corps of Engineers (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 California Coastal Commission and the Regional Water Quality Control Board (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 riparian areas which will require 50-foot-wide buffers . Use and development within buffer areas shall be limited to minor passive recreational uses with fencing, desiltation 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.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final PEIR to a level of insignificance. Specifically, mitigation measure BIO-5 is a feasible measure and shall be required as a condition of approval and made a binding condition of future development for applicable housing sites. Implementation of this mitigation measure would reduce the significant impacts related to jurisdictional waters and wetlands because a site-specific biological resources survey would be required where development could impact sensitive biological resources. If jurisdictional waters or wetlands are identified during the biological survey, a jurisdictional wetland delineation would be required and wetland/waters avoidance measures would be required, where feasible. Any jurisdictional waters impacts would be required to comply with USACE permit requirements and would require wetland creation to ensure no net loss of wetlands. Additionally, the measure requires appropriate wetland buffers to be implemented to ensure protection of the resources based on site-specific information. For these reasons,

implementation of mitigation measure BIO-5 would reduce significant jurisdictional waters/wetland impacts to a less than significant level for all housing strategies and the SMUP Alternative.

Reference: Final PEIR Chapter 4.3, Biological Resources; Biological Resources Appendices K-1 through K-4.

3. Cultural Resources

Thresholds of Significance Issue 3: Paleontological Resources

Pursuant to Issue 3, a significant impact would occur if the project would significantly impact a unique paleontological resource or a geologic formation possessing a moderate to high fossil-bearing potential. Specifically, impacts would be considered significant if development of a housing site would require the excavation of over 1,000 cubic yards of a geologic formation with high paleontological resource potential, would require excavation depths within the geologic formation of 10 feet or greater, or would require over 2,000 cubic yards of excavation within a geologic formation with moderate resource potential to contain paleontological resources.

Impacts

All three housing strategies and the SMUP Alternative and specifically, the following housing sites may be underlain by geological formations with a moderate to high paleontological resource potential: ALT-3, ALT-4, ALT-5, ALT-6, ALT-7, C-6, L-7, NE-3, NE-4, NE-7, O-2, O-3, O-4, O-5, O-6, OE-1, OE-2, OE-7, and OE-8. These sites may be underlain with undisturbed deposits of Torrey Sandstone and/or the Del Mar formation and impacts to these formations could significantly impact subsurface paleontological resources (Impact CUL-3).

Explanation

While specific grading quantities for each site are not known, future development of housing sites with high or moderate potential to contain paleontological resources could result in disturbance to buried fossils resulting in a significant impact. As future site-specific development is proposed, specific grading quantities and depths would be identified and site-specific geotechnical analyses would be completed to identify the geologic

formations underlying each housing site to determine whether mitigation measure CUL-3 would need to be implemented.

Mitigation

CUL-3: Applications for future development of housing sites consistent with the new zone program, wherein the City has determined a potential for impacts to paleontological resources, shall be required to comply with the following mitigation framework:

A qualified paleontological monitor shall be present during grading on housing sites where development would require the excavation of over 1,000 cubic yards of a geologic formation with high resource potential to contain paleontological resources, excavation depths within the geologic formation of 10 feet or greater, or over 2,000 cubic yards of a geologic formation with moderate resource potential to contain paleontological resources. Geologic formations would be determined by a site-specific geotechnical study. The monitor shall have the authority to stop and/or divert grading, trenching, or excavating if a significant paleontological resource is encountered. An excavation plan shall be implemented to mitigate the discovery. Excavation shall include the salvage of the fossil remains (simple excavation or plaster-jacketing of larger and/or fragile specimens); recording stratigraphic and geologic data; and transport of fossil remains to laboratory for processing and curation.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final PEIR to a level of insignificance. Specifically, mitigation measure CUL-3 is a feasible measure and shall be required as a condition of approval and made a binding condition of future development for applicable housing sites.

Implementation of this mitigation measure would reduce the significant impacts related to paleontological resources because it would assure the recording and recovery of important paleontological information which may otherwise be lost during construction of the proposed project. The requirement for a monitor to be present for all construction activities, along with the specified processes, assures that grading will be halted or diverted should any discovery be made. Implementation of the mitigation measure assures that if resources are encountered, significance testing occurs right away and important discoveries are

reported and/or collected. The measure would require excavation, salvage, and curation of fossil remains so that any research potential is obtained from the discovery. For these reasons, implementation of mitigation measure CUL-3 would reduce significant paleontological resource impacts to a less than significant level for all housing strategies and the SMUP Alternative.

Reference: Final PEIR Chapter 4.4, Cultural Resources.

4. Hazards and Hazardous Materials

Thresholds of Significance Issue 2: Accidental Release

Pursuant to Issue 2, a significant impact would occur if the project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Impacts

Development of any of the three housing strategies and the SMUP Alternative would result in potentially significant impacts related to accidental release of hazardous materials. This would occur where housing sites have been exposed to hazardous materials or have on-site contamination which could result in a potentially significant impact to the public or environment if hazardous materials or contamination are not properly handled and removed prior to development. Specifically, development on housing sites C-1, C-2, C-3, C-7, CBHMG-3, L-1, L-2, L-4, L-5, L-6, NE-3, NE-4, NE-7, OE-1, OE-2, OE4, OE-5, OE-7, ALT-2, ALT-3, ALT-5, ALT-6, and ALT-7 may have been exposed to contamination from current or prior uses such as gas stations and agricultural land use. Development on these housing sites would represent a significant impact.

Explanation

Housing sites with existing commercial uses, such as the gas stations at housing sites ALT-2, C-7, OE-2, NE-1, and NE-7, could have the potential for contamination resulting from leaking underground storage tanks. Development on housing site C-1 could have contamination from the former gas station at this site. Sites L-5 and L-6 that have been used for agricultural purposes and could pose a risk of contamination from herbicide, pesticide, and fertilizer use. Other properties may also have undocumented on-site

contaminants from building materials and/or underground contaminants. Development on contaminated sites could pose a significant hazard to the public or environment if hazardous soils or materials are not properly handled and removed from the project site prior to grading and construction.

Mitigation

HAZ-1: Future projects shall be required to identify potential conditions, which require further regulatory oversight and demonstrate compliance based on the following measures prior to issuance of any permits:

- A. A Phase I Environmental Site Assessment (ESA) shall be completed in accordance with American Society of Testing and Materials (ASTM) Standards. If hazardous materials are identified requiring remediation, a Phase II ESA and remediation effort shall be conducted in conformance with Federal, State, and local regulations.

- B. If the Phase II ESA identifies the need for remediation, then the following shall occur prior to the issuance of grading permits:
 - 1. The applicant shall retain a qualified environmental engineer to develop a soil and/or groundwater management plan to address the notification, monitoring, sampling, testing, handling, storage, and disposal of contaminated media or substances (soil, groundwater). The qualified environmental consultant shall monitor excavations and grading activities in accordance with the plan. The groundwater management and monitoring plans shall be approved by the City prior to development of the site.

 - 2. The applicant shall submit documentation showing that contaminated soil and/or groundwater on proposed development parcels have been avoided or remediated to meet cleanup requirements established by appropriate local regulatory agencies (RWQCB/Department of Toxic Substances Control [DTSC]/Department of Environmental Health [DEH]) based on the future planned land use of the specific area within the boundaries of the site (i.e., commercial, residential), and that the risk to human health of future occupants of these areas therefore has been reduced to below a level of significance.

3. The applicant shall obtain written authorization from the appropriate regulatory agency (RWQCB/DTSC/DEH) confirming the completion of remediation. A copy of the authorization shall be submitted to the City to confirm that all appropriate remediation has been completed and that the proposed development parcel has been cleaned up to the satisfaction of the regulatory agency. In the situation where previous contamination has occurred on a site that has a previously closed case or on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the DEH shall be notified of the proposed land use.
4. All cleanup activities shall be performed in accordance with all applicable Federal, State, and local laws and regulations, and required permits shall be secured prior to commencement of construction to the satisfaction of the City and compliance with applicable regulatory agencies such as but not limited to the Encinitas Municipal Code.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final PEIR to a level of insignificance. Specifically, mitigation measure HAZ-1 is a feasible measure and shall be required as a condition of approval and made a binding condition of future development of applicable housing sites. Implementation of this mitigation measure would reduce the significant impacts related to accidental release of hazardous substances because it requires future development to prepare a Phase I ESA that would identify the presence of any hazardous conditions and require remediation of any contaminants prior to development. The measure further specifies that written authorization shall be obtained from the appropriate agency with regulatory oversight over the clean-up. For these reasons, implementation of mitigation measure HAZ-1 would reduce significant impacts to a less than significant level for all housing strategies and the SMUP Alternative.

Thresholds of Significance Issue 3: Emissions near a School

Pursuant to Issue 3, a significant impact would occur if the project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Impacts

Significant impacts due to potential emissions or handling of hazardous materials within one-quarter mile of a school were identified for each of the three housing strategies and the SMUP Alternative because housing sites may contain unknown subsurface contaminants or may contain hazardous materials within existing structures that could pose a health risk. Because schools are located within 0.25 mile of housing sites within each housing strategy, as well as the uncertainty of where future schools may be sited in the future, there would be potentially significant impacts associated with hazardous emissions near schools.

Explanation

If development occurs on a housing site with contamination or hazardous materials on-site, accidental release of these materials near a school would represent a potentially significant impact.

Mitigation

Refer to mitigation measure HAZ-1 in the previous section.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final PEIR to a level of insignificance. Specifically, mitigation measure HAZ-1 is a feasible measure and shall be required as a condition of approval and made a binding condition of future development. Implementation of this mitigation measure would reduce the significant impacts related to emissions near a school because it would ensure that prior to development of each housing site, a Phase I ESA would be completed that would identify the presence of any hazardous conditions and require remediation of any contaminants prior to development. The measure further specifies that written authorization shall be obtained from the appropriate agency with regulatory oversight over

the clean-up. For these reasons, implementation of mitigation measure HAZ-1 would reduce significant impacts related to emissions near a school to a less than significant level for all housing strategies and the SMUP Alternative.

Reference: Final PEIR Chapter 4.7, Hazards and Hazardous Materials.

5. Hydrology and Water Quality

Thresholds of Significance Issue 9: Flooding/Inundation

Pursuant to Issue 9, a significant impact would occur if the project would expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam.

Impacts

Buildout of the HEU would result in potentially significant impacts related to dam inundation and flooding hazards for all housing strategies and the SMUP Alternative. Specifically, potentially significant dam inundation impacts would occur with development of housing sites C-6, O-2, and O-4 and potentially significant impacts related to flood hazard areas at housing sites ALT-2, ALT-6, ALT-7, L-1, L-2, and OE-2 would occur (Impact HYD-1).

Explanation

Implementation of the HEU would result in potentially significant impacts due to potential dam inundation hazards at three housing sites (C-6, O-2, and O-4), affecting all three housing strategies and the SMUP Alternative. These sites are located within a dam inundation area, which means they could be inundated in the event of a dam or levee failure. While there are several policies in the General Plan (refer to Final PEIR Chapter 4.8, Table 4.8-4) that address flood hazards, potential impacts associated with dam inundation are not specifically addressed through the current regulatory framework. Thus, impacts associated with dam inundation would be potentially significant for housing sites C-6, O-2, and O-4.

Mitigation

HYD-1: Applications for future development of housing sites consistent with the new zone program, wherein the City has determined a potential for flooding impacts, shall be reviewed by the City for compliance with applicable components of the City’s Floodplain Management Regulations, specifically Section 23.40.051, which includes standards for construction in areas of special flood hazard. All future development on housing sites consistent with the new zone program, located within mapped flood problem areas or dam inundation areas, shall be designed to reduce potential flooding hazards consistent with sound engineering practices with a preference for low impact development.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final PEIR to a level of insignificance. Specifically, mitigation measure HYD-1 is a feasible measure and shall be required as a condition of approval and made a binding condition of future development of applicable housing sites. Implementation of this mitigation measure would reduce the significant impacts related to flood hazards because it would require future development to be designed to reduce potential flooding hazards to the satisfaction of the City Engineer. For these reasons, implementation of mitigation measure HYD-1 would reduce significant flooding impacts to a less than significant level for all housing strategies and the SMUP Alternative.

Reference: Final PEIR Chapter 4.8, Hydrology and Water Quality.

6. Land Use and Planning

Thresholds of Significance Issue 3: Neighborhood Compatibility (Noise)

Pursuant to Issue 3, a significant impact would occur if the project would result in substantial neighborhood compatibility impacts associated with significant traffic, noise, or aesthetics impacts.

Impacts

Neighborhood compatibility impacts associated with on-site noise generation were identified for all three housing strategies and the SMUP Alternative in the Final PEIR

because at a program-level of analysis it cannot be ensured that each future project would be capable of reducing noise levels to comply with City standards. Thus, significant neighborhood compatibility impacts were identified in association with on-site noise levels (Impact LU-2).

Significant and unavoidable impacts related to neighborhood compatibility were identified for traffic and aesthetics for all three housing strategies and the SMUP Alternative. These findings are provided in Section IX, Statement of Overriding Considerations.

Explanation

A significant neighborhood compatibility impact was identified related to noise because the HEU would allow development of new residential uses adjacent to existing uses that may be a significant source of noise. New housing sites may be exposed to noise levels in excess of the City standards due to proposed noise generating uses in the case of mixed use sites or due to siting adjacent to existing noise sources such as commercial uses. Thus, neighborhood incompatibility impacts resulting from exposure of new noise sensitive land uses to noise levels in excess of City standards would occur.

Mitigation

NOS-1: Prior to the issuance of any permit for future development consistent with the new zone program, wherein residential development would be located adjacent to commercial uses, the City shall require a site-specific noise study. The study shall determine if on-site generated noise levels exceed the property line noise level limits in the Noise Ordinance and to present appropriate mitigation measures, which may include, but are not limited to the following:

- Require the placement of loading and unloading areas so that commercial buildings shield nearby residential land uses from noise generated by loading dock and delivery activities. If necessary, additional sound barriers shall be constructed on the commercial sites to protect nearby noise sensitive uses and hours of delivery shall be limited if determined as needed through the study.

- Require the placement of all commercial heating, ventilation, and air conditioning (HVAC) machinery to be placed within mechanical equipment rooms wherever possible.
- Require the provision of localized noise barriers or rooftop parapets around HVAC, cooling towers, and mechanical equipment so that line-of-sight to the noise source from the property line of the noise sensitive receptors is blocked.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final PEIR to a level of insignificance. Specifically, mitigation measure NOS-1 is a feasible measure and shall be required as a condition of approval and made a binding condition of future development of applicable housing sites. Implementation of this mitigation measure would reduce the significant impacts related to exposure of noise sensitive land uses to noise levels in excess of City standards. For these reasons, implementation of mitigation measure NOS-1 would reduce significant neighborhood compatibility impacts related to noise to a less than significant level for all housing strategies and the SMUP Alternative.

Thresholds of Significance Issue 5: Noise/Land Use Compatibility

Pursuant to Issue 5, a significant impact would occur if the project would result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan.

Impacts

Noise–land use compatibility impacts were identified for all three housing strategies and the SMUP Alternative in the Final PEIR because all of the housing sites are located adjacent to roadways or freeways that would generate noise levels greater than the standards established in the City’s General Plan (Impact LU-3).

Explanation

As shown in the Final PEIR, Figures 4.9-4 through 4.9-6, all of the housing sites are located adjacent to roadways or freeways that would generate noise levels in excess of City

standards. The City General Plan Noise Element includes noise compatibility standards, which are specified in the Final PEIR, Table 4.9-17. As indicated, the standards indicate that exterior noise levels below 60 day-night equivalent level (L_{dn}) are considered “normally acceptable” for residential uses while noise levels greater than 70 L_{dn} are considered “conditionally compatible” for residential uses.

All housing sites are located adjacent to roadways or freeways that would generate noise levels in excess than 60 L_{dn} , which is in excess of the City’s “normally acceptable” exterior noise compatibility level. Additionally, the following housing sites are located adjacent to roadways or freeways that would generate noise levels greater than the City’s “conditionally acceptable” exterior noise compatibility level of 70 L_{dn} : Alt-2, Alt-3, Alt-4, Alt-6, Alt-7, C-1, C-6, CBHMG-1, L-4, L-5, L-6, NE-1, NE-4, NE-7, O-2, O-3, O-4, O-5, O-6, OE-2, OE-5, OE-7, and OE-8. While noise control measures such as site design, sound walls, and other measures would likely be feasible to reduce noise to acceptable levels; at a program-level of analysis and without specific project design, impacts due to potential inconsistency with the City General Plan Noise and Land Use Compatibility Guidelines are considered potentially significant.

Mitigation

LU-1: As part of the City’s design review and entitlement process for housing sites, to the extent practicable, the City should avoid siting sensitive exterior areas associated with future residential uses within the 70 L_{dn} exterior traffic noise contour distances to the extent practicable and in consideration of other Zoning Standards and Design Guidelines. If sensitive receptors are to be located within the 70 L_{dn} exterior noise contour, outdoor activity areas shall be shielded from the noise source using site design measures such as building orientation or sound walls to maintain a 70 L_{dn} exterior noise level for noise sensitive exterior areas.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final PEIR to a level of insignificance. Specifically, mitigation measure LU-1 is a feasible measure and shall be required as a condition of approval and made a

binding condition of future development of housing sites. Implementation of this mitigation measure would reduce the significant impacts related to exposure of persons to or generation of noise levels in excess of standards established in the local general plan. For these reasons, implementation of mitigation measure LU-1 would reduce significant noise/land use compatibility impacts to a less than significant level for all housing strategies and the SMUP Alternative.

Reference: Final PEIR Chapter 4.9, Land Use and Chapter 4.10, Noise and Appendix O, Noise Methodology and Modeling.

7. Noise

Thresholds of Significance Issue 2: On-site Generated Noise

Pursuant to Issue 2, a significant impact would occur if the project would result in exposure of persons to or generation of noise levels in excess of limits established in the noise ordinance. The applicable property line noise level limits for each housing site are summarized in the Final PEIR, Table 4.10-10.

Impacts

Future on-site generated noise sources would have the potential to exceed to property line noise level limits established in the City's Noise Ordinance due to stationary noise sources such as HVAC equipment. These impacts would occur for all three housing strategies and the SMUP Alternative. Without detailed operational data, it cannot be verified that future projects implemented in accordance with the HEU would be capable of reducing noise levels to comply with the City's Noise Ordinance property line standards (Impact NOS-1).

Explanation

The noise sources associated with future development proposed under the HEU would be those typical of any residential development (vehicles arriving and leaving, children at play and landscape maintenance machinery). None of these noise sources are anticipated to violate the City's Municipal Code or result in a substantial permanent increase in existing noise levels. However, HVAC equipment and commercial and retail components of mixed-use developments (commercial-related mechanical equipment, loading docks, deliveries, trash-hauling activities and customer and employee use of commercial facilities) would

have the potential to generate noise in excess of property line standards. Without site-specific operational information and equipment specifications, it is not possible to verify that impacts would be mitigated to below a level of significance. Verification that future projects consistent with the HEU comply with the City's Noise Ordinance property line standards would be determined at the project-level through implementation of NOS-1.

Mitigation

NOS-1: Prior to the issuance of any permit for future development consistent with the new zone program, wherein residential development would be located adjacent to commercial uses, the City shall require a site-specific noise study. The study shall determine if on-site generated noise levels exceed the property line noise level limits in the Noise Ordinance and to present appropriate mitigation measures, which may include, but are not limited to the following:

- Require the placement of loading and unloading areas so that commercial buildings shield nearby residential land uses from noise generated by loading dock and delivery activities. If necessary, additional sound barriers shall be constructed on the commercial sites to protect nearby noise sensitive uses and hours of delivery can be limited if determined as needed through the study.
- Require the placement of all commercial HVAC machinery to be placed within mechanical equipment rooms wherever possible.
- Require the provision of localized noise barriers or rooftop parapets around HVAC, cooling towers, and mechanical equipment so that line-of-sight to the noise source from the property line of the noise sensitive receptors is blocked.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final PEIR to a level of insignificance. Specifically, mitigation measure NOS-1 is a feasible measure and shall be required as a condition of approval and made a binding condition of future development of housing sites. Implementation of this mitigation measure would reduce the significant impacts related to compliance with City Noise

Ordinance property line standards because it would ensure that future project complete site-specific noise studies to demonstrate Noise Ordinance property line noise level limits are met. For these reasons, implementation of mitigation measure NOS-1 would reduce significant on-site generated noise impacts to a less than significant level for all housing strategies and the SMUP Alternative.

Thresholds of Significance Issue 3: Temporary Noise

Pursuant to Issue 3, a significant impact would occur if the project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Impacts

Based on an evaluation of average construction noise levels and distances to residential land uses from each housing site, it was determined that significant temporary noise impacts resulting from construction noise would occur if residential land uses are located closer than 110 feet of construction activities. Based on these distances, significant temporary noise impacts due to construction activities were identified at the following housing sites: C-7, L-2, L-6, OE-5, ALT-2, ALT-7, and CBHMG-1. Average construction noise levels at these housing sites would exceed the limit of 75 dB(A) average sound level $L_{eq(8)}$ established in the City's Municipal Code for housing strategies 1 and 3 and the SMUP Alternative (Impact NOS-2).

Explanation

As detailed in the Final PEIR, Table 4.10-11, certain housing sites would be located at a closer distance to adjacent residential property lines. Those housing sites with adjacent residential property lines located less than 110 feet from the acoustic center of construction activities would result in a construction noise impact due to noise levels in excess of the limit of 75 dB(A) $L_{eq(8)}$ established in the City's Municipal Code. For these sites, a site-specific noise control plan would need to be developed and implemented to require noise control measures to ensure property line noise levels do not exceed the 75 dB(A) $L_{eq(8)}$ noise level limit established in the City's Municipal Code.

Mitigation

NOS-2: Prior to the issuance of future construction permits at the housing sites, a Construction Noise Control Plan shall be submitted to the City's Planning and Building Department for review and approval. The plan shall demonstrate that all construction activity shall be in compliance with noise standards provided in Section 9.32 of the City's Municipal Code. The construction noise control plan can include, but is not limited to, the following:

- Ensure that construction equipment is properly muffled according to industry standards and is in good working condition.
- Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
- Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.
- Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday. No construction is permitted on Sundays or legal holidays.
- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the County or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

- Project developers shall require by contract specifications that heavily loaded trucks used during construction would be routed away from residential streets to the extent feasible. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading permit.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final PEIR to a level of insignificance. Specifically, mitigation measure NOS-2 is a feasible measure and shall be required as a condition of approval and made a binding condition of future development of applicable housing sites. Implementation of this mitigation measure would reduce the significant impacts related to temporary noise because it requires preparation of a site-specific construction noise control plan that would incorporate measures to ensure noise levels comply with noise standards provided in Section 9.32 of the City's Municipal Code. For these reasons, implementation of mitigation measure NOS-2 would reduce significant temporary noise impacts to a less than significant level for housing strategies 1 and 3 and the SMUP Alternative.

Reference: Final PEIR Chapter 4.10, Noise and Appendix O, Noise Methodology and Modeling.

B. Significant and Unavoidable Impacts

1. Aesthetics

Threshold of Significance Issue 2: Public Views

Pursuant to Issue 2, a significant impact would occur if the project resulted in a development that:

- a. Is incompatible in shape, form, or intensity, such that public views from designated open space areas, view corridors or scenic highways, or to any significant visual landmarks or scenic vistas would be substantially blocked; or
- b. Is located in a highly visible area (e.g., on a canyon edge, hilltop or adjacent to an interstate highway) and would strongly contrast with the surrounding development

or natural topography through excessive height, bulk, signage, or architectural projections.

Impacts

A potentially significant impact to public views would occur with implementation of housing strategies 2 and 3 (BYO and MMUP, respectively) due to future development of housing site O-4 (Impact VIS-1). Development of this site would impact scenic views of the San Elijo Lagoon from the scenic roadways South El Camino Real and Manchester Avenue particularly for southbound travelers along South El Camino Real to southbound Manchester where expansive views toward San Elijo Lagoon would be substantially blocked by development of a Neighborhood Center/Mixed Use-Large Site neighborhood prototype. Housing strategy 1 (RM) and the SMUP Alternative do not include housing site O-4, and therefore, would preclude Impact VIS-1.

Explanation

Housing site O-4 is located adjacent to the scenic roadway, Manchester Avenue, and is within a designed scenic view corridor as shown in the Final PEIR, Figure 4.1-3. Under the new zone provisions, the site would be developed with the Neighborhood Center/Mixed Use-Large Site neighborhood prototype, which would allow two to three stories of mixed use development. A development of this scale would block scenic views of the San Elijo Lagoon from South El Camino Real and Manchester Avenue. The project includes new zone standards and design guidelines are intended to maximize consistency with the surrounding land use context, including preserving significant views; however, even with implementation of these standards and guidelines, development of housing site O-4 would substantially block a scenic vista.

Mitigation

No mitigation has been identified at the plan level to minimize the adverse impact to views resulting from development on housing site O-4.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(3), there are no feasible mitigation measures to reduce the impact to public views to below a level of significance. The project

has incorporated features to the maximum extent feasible that would minimize impacts to public views. The new zone standards and design guidelines that are part of the project would preserve significant views to the extent feasible, but even with incorporation of those requirements, the bulk and scale of development at housing site O-4 would still result in a significant impact to public views from adjacent roadways. It is not feasible to implement a measure that would require a specific design or grading approach (such as development below grade) because site-specific environmental studies (such as geotechnical investigations) would need to be completed to determine feasibility of such a measure. At a program-level of analysis, it is not feasible to conduct site-specific studies as there is no current development proposal at the site and no developer to fund such studies and designs.

However, housing strategy 1 (RM) and the SMUP Alternative would eliminate housing site O-4 from the HEU and would thus, avoid the significant impact to public views associated with development of this site. Since the SMUP Alternative was found to be feasible and would meet the project objectives, the City has elected to consider the SMUP Alternative for adoption. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve either housing strategy 2 (BYO) or housing strategy 3 (MMUP). If the decision maker chooses to adopt housing strategy 1 (RM) or the SMUP Alternative, a significant unavoidable impact to public views would be avoided and no statement of overriding considerations would be required for Issue 2, Public Views.

Threshold of Significance Issue 3: Community Character

Pursuant to Issue 3, a significant impact would occur if the project would introduce features which would conflict with important visual elements or the quality of the community/neighborhood (such as theme, style, setbacks, density, size, massing, coverage, scale, color, architecture, building materials, light/glare, etc.) and would thereby negatively and substantially alter the existing character of neighborhoods.

Impacts

Implementation of any of the three housing strategies would result in a potentially significant impact to community character, specifically associated with development of housing sites L-7, O-4, and O-5 (Impacts VIS-2, VIS-3, and VIS-4, respectively). These impacts would occur because even with application of the zoning standards and design

guidelines, development of these sites at the intensity required to meet housing element goals would result in a scale of development inconsistent with the surrounding low-scale, rural environment. These housing sites would not be included in the SMUP Alternative. Therefore, impacts to community character would be less than the HEU.

Explanation

Housing site L-7 is a vacant site accessed from the two-lane road, Quail Gardens Drive and is surrounded by low density residential uses and agriculture. Development of this housing site with the Residential Infill-Medium to Large Site prototype would be potentially inconsistent with the surrounding community setting. Housing site O-4 is a vacant site located at the southeast corner of Manchester Avenue and El Camino Real. Housing site O-5 is located at the northeast corner of the Manchester Avenue and El Camino Real intersection. The character of housing sites O-4 and O-5 is rural and the sites are located at the western edge of the more rural areas further east along Manchester Avenue. Development of housing site O-4 with the Neighborhood Center/Mixed Use-Large Site prototype would allow two to three stories of mixed use development which would be potentially inconsistent with the rural setting that dominates the site and the lands further east along Manchester Avenue. Similarly, development of housing site O-5 with the Residential Infill-Small Site Neighborhood Prototype would allow two- to three-story multi-family residential development at a density of 20 to 30 units per acre. Although implementation of zoning standards and design guidelines would ensure development complements the rural character of the area, the scale and density of development would be incompatible with the surrounding rural community character.

Mitigation

No mitigation has been identified to fully mitigate the community character impacts at housing sites L-7, O-4, and O-5. The new zone standards and design guidelines are intended to maximize consistency with the surrounding land use context, including minimizing community character impacts to the maximum extent feasible. Specifically, the intent of the new zone is to respond to neighborhood character, be compatible with community specific settings, and promote basic best practices in urban design. The proposed zoning code would achieve this goal by regulating site density, percent building coverage allowance, required usable open space, and building setbacks, height, articulation,

and transparency. However, even with implementation of these standards, community character impacts at these three housing sites would remain significant and unavoidable.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(3), there are no feasible mitigation measures to reduce the impact to community character to below a level of significance. The project has incorporated project features (zoning standards, design guidelines) to the maximum extent feasible that would minimize impacts to community character. The new zone standards and design guidelines that are part of the project would maximize compatibility with the surrounding land use context to some extent; however, even with incorporation of those requirements, the bulk and scale of development at housing sites L-7, O-4, and O-5 would contrast with the rural character in the area, resulting in a significant impact to community character.

However, one of the feasible project alternatives, the SMUP Alternative, would eliminate housing sites L-7 and O-4 and would thus, avoid the significant impact to community character associated with development on these housing sites. Since the SMUP Alternative was found to be feasible and would meet the project objectives, the City has elected to consider the SMUP Alternative for adoption. Adoption of a Statement of Overriding Considerations would be required should the decision makers choose to approve any of the three housing strategies (RM, BYO, MMUP). A Statement of Overriding Considerations for Issue 3, Community Character would not be required if the City chooses to adopt the SMUP Alternative since sites L-7, O-4, and O-5 would be removed from the HEU under this alternative.

Threshold of Significance Issue 4: Scenic Resources

Pursuant to Issue 4, a significant impact would occur if the project would result in the physical loss, isolation, degradation, or destruction of a visual resource or community identification symbol or landmark or other features that contribute to the valued visual character or image of the neighborhood, community, or localized area (e.g., a stand of mature trees, coastal bluff, native habitat, historic landmark).

Impacts

Development of housing strategies 2 and 3 (BYO and MMUP, respectively) would result in potentially significant impacts to scenic resources. Specifically, development of housing site O-4 would result in a potentially significant impact to scenic resources because it would impact mature vegetation that is a visual extension of the natural open space associated with Escondido Creek and the San Elijo Lagoon to the south (Impact VIS-5). Housing strategy 1 (RM) and the SMUP Alternative do not include housing site O-4, and therefore, would preclude Impact VIS-5.

Explanation

The eastern edge of housing site O-4 contains a large stand of mature vegetation that is a visual extension of the natural open space associated with Escondido Creek and the San Elijo Lagoon to the south. Development of this site at proposed housing densities would require development of the majority of the site, which would eliminate this scenic resource, resulting in a significant impact.

Mitigation

No additional mitigation at the program-level is available to avoid the adverse impact to scenic resources resulting from development of site O-4.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(3), there are no feasible mitigation measures to reduce the impacts to scenic resources to below a level of significance. The project has incorporated new zoning standards and design guidelines that are part of the project that impose standards intended to preserve scenic resources to the maximum extent practicable. However, even with incorporation of those requirements, significant and unavoidable impacts to scenic resources at housing site O-4 would occur.

At this program-level of analysis, it is not feasible to implement a measure requiring a site specific design or grading proposal because there is no current development proposed and there is no developer to fund project-specific feasibility and environmental studies to ensure feasibility of such a measure.

However, housing strategy 1 (RM) and the SMUP Alternative would eliminate housing site O-4 and would thus, avoid the significant impact to scenic resources associated with development of this site. Since the SMUP Alternative was found to be feasible and would meet the project objectives, the City has elected to consider the SMUP Alternative for adoption. Adoption of a Statement of Overriding Considerations related to scenic resources would be required should the decision makers choose to approve housing strategies 2 (BYO) or 3 (MMUP). However, if the City chooses to adopt housing strategy 1 (RM) or the SMUP Alternative, no Statement of Overriding Considerations would be required for Issue 4, Scenic Resources since the alternative would remove housing site O-4 from the HEU.

Reference: Final PEIR Chapter 4.1 Aesthetics and Chapter 9, Alternatives, Appendix I, Photo Survey.

2. Air Quality

Threshold of Significance Issue 1: Consistency with Regional Air Quality Strategy

Pursuant to Issue 1, a significant impact would occur if the project would conflict with the primary goals of the RAQS.

Impacts

From a long-term planning standpoint, implementation of any housing strategy of the HEU or the SMUP Alternative would not comply with the existing assumptions of density and land use used to develop the RAQS and applicable State Implementation Plan (SIP).

Explanation

CARB mobile source emission projections and SANDAG growth projections are based on population and vehicle trends and land use plans developed by cities. As such, projects that propose development that is consistent with the growth anticipated by the general plan (or less dense) would be consistent with the RAQS. If a project proposes development that is greater than what is assumed in SANDAG's growth projections upon which the RAQS is based, then the project would be in conflict with the RAQS and SIP. Since the HEU would result in an increase in the allowable densities and development potential within the City, all of the housing strategies and the SMUP Alternative would conflict with the RAQS, resulting in a potentially significant impact.

Mitigation

AQ-1: Prior to the next update of the regional housing needs assessment and within six months of the certification of the Final PEIR, the City shall provide a revised housing forecast to SANDAG to ensure that any revisions to the population and employment projections used by San Diego Air Pollution Control District (SDAPCD) in updating the RAQS and the SIP will accurately reflect anticipated growth due to the HEU.

Despite implementation of mitigation measure AQ-1, direct and cumulative impacts relative to conformance with the RAQS would remain significant and unavoidable because the HEU would be inconsistent with the population and employment projections used to develop the RAQS.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(2), updating the RAQS and SIP is within the exclusive jurisdiction of SDAPCD, not the City, and SDAPCD can and should adopt updated RAQS and SIP that incorporates the increase in allowable densities authorized by the HEU; and pursuant to CEQA Guidelines Section 15091(a)(3), there are no feasible mitigation measures to reduce the impact to below a level of significance. The project is required to implement mitigation measure AQ-1. Mitigation measure AQ-1 would ensure that SANDAG is provided with information that would assist them in revising the housing forecasts; however, until the anticipated growth is included in the emission estimates of the RAQS and the SIP, direct and cumulative impacts relative to conformance with the RAQS would remain significant and unavoidable. Additionally, the City has no control over when the SDAPCD updates the RAQS; therefore, additional mitigation is not feasible. Adoption of a Statement of Overriding Considerations related to Issue 1, consistency with the RAQS would be required for all three housing strategies and the SMUP Alternative.

Reference: Final PEIR Chapter 4.2, Air Quality, Chapter 9, Alternatives, Appendix J, Air Quality Methodology and Modeling.

3. Cultural Resources

Threshold of Significance Issue 1: Historical Resources

Pursuant to Issue 1, a significant impact would occur if the project would result in the alteration, including the adverse physical or aesthetic effects and/or the destruction of a prehistoric or historic structure, object or site.

Impacts

Direct impacts to historical resources could potentially result from the physical demolition, destruction, relocation, or alteration of potential historical resources within the housing sites (Impact CUL-1) under any of the housing strategies or the SMUP Alternative.

Explanation

The following housing sites are identified as containing potentially significant historical structures and/or sites: ALT-2, ALT-7, L-1, and OE-1. Additionally, as implementation of the HEU has development potential over the next 20+ years, the following housing sites contain buildings or structures that may be 50 years of age or older at the time of future development and, therefore, may need to be evaluated for historical significance: ALT-2, ALT-3, ALT-4, ALT-6, ALT-7, C-1, C-2, C-3, C-6, C-7, L-1, L-2, L-5, L-6, NE-1, NE-3, NE-4, NE-7, O-3, O-5, OE-1, OE-2, OE-4, OE-5, OE-7, OE-8, and CBHMG-1. Significant historic resources are typically identified through on-site reconnaissance in conjunction with specific development projects, and development is required to comply with applicable federal and state laws that concern the preservation of historical resources, including the National Historic Preservation Act and CEQA. However, site-specific development proposals are not currently evaluated at this program-level of analysis and specific impacts to historic resources and associated preservation requirements are unknown. Thus, direct or indirect impacts to historic resources could occur and would be potentially significant.

Mitigation

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

- (a) Prior to the issuance of any permit for a future development project, the age and original structural integrity and context of any buildings/structures occurring on the housing sites shall be verified. The project applicant shall submit in conjunction with the development permit application, verification of the age and original structural integrity of all on-site structures.

- (b) For any building/structures in excess of 50 years of age having its original structural integrity intact, a qualified professional historian shall determine whether the affected building/structure is historically significant. The evaluation of historic architectural resources shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in CEQA Guidelines Section 15064.5. A historical resource report shall be submitted by the project applicant to the City and shall include the methods used to determine the presence or absence of historical resources, identify potential impacts from the proposed project, and evaluate the significance of any historical resources identified.

Although significant impacts to historical resources may be mitigated through future review of project-specific development proposals in accordance with CUL-1, it cannot be assured that mitigation for each housing site would be feasible at this program-level of analysis. Therefore, the impact to historical resources is considered significant and unavoidable.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(3), impacts on cultural resources may remain significant even after the implementation of all feasible mitigation and there are no feasible mitigation measures to reduce these impacts to below a level of significance. The project is required to implement mitigation measure CUL-1, which requires completion of a historical survey prior to development of certain sites with potential historic resources. Notwithstanding implementation of this requirement for historical surveys prior to development, impact CUL-1 would remain significant and unmitigated. Additional mitigation for this direct impact would be infeasible because without site-specific surveys, it cannot be ensured that mitigation at each site would be feasible to implement. Site-specific

evaluation associated with proposed project footprints would be required to ensure each potential impact can be feasibly mitigated.

However, one of the feasible project alternatives, the SMUP Alternative, would remove housing sites C-2, CBHMG-1, ALT-5, and ALT-6 from the HEU, all of which contain potential historic resources. Thus, the SMUP Alternative would reduce the potentially significant impact to historic resources compared to any of the proposed housing strategies because fewer sites would have the potential for historic resources to be impacted. Adoption of the SMUP Alternative would reduce but not completely avoid potentially significant and unavoidable impacts to historical resources. Adoption of a Statement of Overriding Considerations related to Issue 1, Historic Resources would be required for all three housing strategies and the SMUP Alternative.

Threshold of Significance Issue 2: Archaeological Resources

Pursuant to Issue 2, a significant impact would occur if the project would result in any impact to existing religious or sacred uses within the potential impact area.

Impacts

While the HEU does not specifically propose alteration of a known archaeological resource or ground-disturbing activities such as grading or excavation, it can be assumed that future development of housing sites could have the potential to directly or indirectly impact undiscovered subsurface archaeological resources through such activities. The following housing sites consist, at least in part, of undeveloped land and/or have been mapped as having 'high sensitivity' for archaeological resources by the General Plan Resource Management Element. Future development of these sites has the potential to significantly impact archaeological resources: ALT-4, ALT-5, C-6, L-4, L-7, NE-3, O-2, O-4, O-5, O-6, OE-1, OE-2, and OE-7 (Impact CUL-2) under any of the housing strategies or the SMUP Alternative.

Explanation

As identified in the Final PEIR, Table 4.4-3, there are existing policies and regulations aimed at protection of archaeological resources. As future projects are planned they would be required to adhere to these policies and regulations. However, as the site-specific archaeological conditions are unknown at a program-level of analysis, it is unknown

whether direct or indirect impacts to archaeological resources would be potentially significant.

Mitigation

CUL-2: Applications for future development of housing sites consistent with the new zone program, wherein the City has determined a potential for impacts to historical resources, shall be required to comply with the following mitigation framework:

Prior to the issuance of any permit for future development consistent with the new zone program located on a previously undisturbed housing site, an archaeological survey shall be conducted by a qualified archaeologist to evaluate the presence of archaeological resources and the need for project impact mitigation by preservation, relocation, or other methods. The archaeological survey should include a records search at the South Coastal Information Center branch of the California Historical Research Information System, to determine if previously recorded prehistoric or historic archaeological resources exist on the housing site. In addition, the Native American Heritage Commission should be contacted to perform a Sacred Lands File Search. An archaeological resource report detailing the results of the record search, Sacred Lands Search, and the field survey of the housing site shall be submitted by the project applicant to the City. The report shall include the methods used to determine the presence or absence of archaeological resources, identify potential impacts from the proposed project, and evaluate the significance of any archaeological resources identified. If potentially significant impacts to an identified archaeological resource are identified, the report shall also recommend appropriate mitigation to reduce the impacts to below a level of significance. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure. Reports shall be submitted to the South Coastal Information Center upon finalization.

Although significant impacts to archaeological resources may be mitigated through future review of project-specific development proposals in accordance with CUL-2, specific mitigation to ensure impacts would be fully mitigated to a less than significant level at the program-level EIR is not available since specific development projects are not known at this time. Therefore, the impact to archaeological resources is considered significant and unavoidable.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(3), impacts on cultural resources may remain significant even after the implementation of all feasible mitigation and there are no feasible mitigation measures to reduce these impacts to below a level of significance. The project is required to implement mitigation measure CUL-2, which requires an archaeological survey of specified sites prior to development. Notwithstanding implementation of the requirements of measure CUL-2, impacts to archaeological resources would remain significant and unmitigated. Additional mitigation for these direct impacts would be infeasible because without site-specific surveys, it cannot be ensured that mitigation at each site would be feasible to implement. At this program-level of analysis, it is not feasible to complete a site-specific evaluation for each site, as the proposed project footprints would be required to ensure each potential impact can be feasibly mitigated.

However, one of the feasible project alternatives, the SMUP Alternative, would eliminate housing sites ALT-5, L-7, O-2 and O-4, all of which contain potential archaeological resources. Thus, the project would avoid the potentially significant impact to archaeological resources associated with development of these sites. Adoption of the SMUP Alternative would reduce but not completely avoid potentially significant and unavoidable impacts to archaeological resources. Thus, a Statement of Overriding Considerations would be required with adoption of any of the three housing strategies or the SMUP Alternative.

Reference: Final PEIR Chapter 4.4, Cultural Resources and Chapter 9, Alternatives.

4. Greenhouse Gas Emissions

Threshold of Significance Issue 1: Greenhouse Gas Emissions

Pursuant to Issue 1, a significant impact would occur if the project generates greenhouse gas (GHG) emissions that may have a significant impact on the environment. No scientific or regulatory consensus exists regarding what particular quantity of GHG emissions is considered significant, and there remains no applicable, adopted numeric threshold for assessing the significance of a project's emissions. The analysis also considers the significance of the GHG emissions based on compliance with regulatory programs designed to reduce greenhouse gas emissions, such as SB 375, the Energy Code, the CalGreen Code, Assembly Bill 341, and the City's Water Efficient Landscape Ordinance.

Impacts

GHG emissions would be associated with the future construction and operation of each housing site and emissions would be proportional to the size of proposed development. The primary sources of direct and indirect GHG emissions were calculated for buildout of the HEU as detailed in the Final PEIR, Table 4.6-7. The analysis estimates a numeric increase in GHG emission of approximately 42,599 to 55,458 metric tons of CO₂ equivalent (MT CO₂E) annually; however, this number is not a sufficiently informative or reliable indicator of the significance of the project's GHG emissions. Thus, the analysis also considers the HEU's consistency with regulatory programs related to GHG emission. The analysis concludes that future development under the HEU would result in significant impacts due to transportation, energy, water use, and area source emissions and inconsistency with applicable regulatory programs (Impact GHG-1) under any of the housing strategies or the SMUP Alternative.

Explanation

Significant and unavoidable GHG emissions were identified because at a program-level of analysis, project-specific compliance with applicable regulatory programs and specific GHG emission reductions cannot be determined. For example, due to the increase in vehicle miles traveled (VMT) resulting from the HEU, the project would not be consistent with applicable policies of the Sustainable Communities Strategy (SCS). Similarly, a lack of project-specific development proposals makes it impossible to quantify actual water-related GHG emissions that would occur from HEU implementation. Thus, impacts related to GHG emissions would be significant and unavoidable.

Mitigation

The following mitigation measures would address the GHG emission impacts at the program-level.

GHG-1: Within six months of adopting the HEU, the City shall provide a revised land use plan to SANDAG to ensure that any revisions to the population and employment projections used in updating the SCS will accurately reflect anticipated growth due to the HEU.

GHG-2: To mitigate citywide GHG impacts at the program-level, the City shall adopt a qualified climate action plan within 20 months after the date the HEU becomes effective. The climate action plan shall contain the following components:

1. The City's goals for reducing GHG emissions consistent with the statewide reduction goals outlined in Assembly Bill 32 and expressed in Executive Orders S-03-05, and B-30-15;
2. Quantified community and municipal GHG emissions inventories for a baseline year and business as usual emissions through 2050;
3. Identification of emission reduction required to meet GHG emissions targets as established by the CARB's Climate Change Scoping Plan and related statewide policies and regulations;
4. GHG reduction measures consisting of project-level implementation measures as well as citywide policies, standards, and programs. The project-level and citywide measures will be designed to achieve emissions reductions that would meet or exceed the established GHG reduction targets in line with statewide goals expressed in Assembly Bill 32 and Executive Order B-30-15.

The timeline for preparation and adoption of the climate action plan shall include the following milestones:

- Project Initiation/Public Scoping Meetings – 2 Months
- Inventories and forecasts – 2 Months
- Outreach and Public Scoping Meetings – 2 Months
- Reduction Measures and Projections – 2 Months
- Document Preparation – 2 Months
- Environmental – 6 Months
- Public Review – 1 Month
- Response to Comments and Certification – 1 Month

- Commission and City Council Public Hearings – 2 Months

Upon completion of the climate action plan, future development shall be consistent with the CAP, and projects may utilize the project implementation checklist to ensure compliance with the City's GHG reduction targets.

GHG-3: Until the adoption of a qualified climate action plan (or in the event a climate action plan is not adopted), all discretionary projects that exceed the California Air Pollution Control Officers Association (CAPCOA) 900 MT CO₂E screening threshold shall prepare a project-specific GHG analysis that identifies an appropriate project-level significance threshold and project-specific mitigation measures. Mitigation measures that may be applied at the future project-level include, but are not limited to, those identified in Table 4.6-10 of the Final PEIR. The project-level analysis shall demonstrate that, with implementation of the mitigation measures identified in Table 4.6-10 of the Final PEIR that are applicable to the project, the project will not impede the implementation of Assembly Bill 32 or Executive Order B-30-15.

The provision of land use data described in GHG-1 above would assist SANDAG in revising the housing forecasts; however, the timing of revision of the SCS is within the exclusive jurisdiction of SANDAG and not the City and, therefore, until the anticipated growth is included in the emission estimates of the SCS, impacts relative to conformance with the SCS would remain significant and unavoidable.

While the proposed mitigation framework would reduce GHG emissions associated with future projects consistent with HEU, GHG emission reductions from future development cannot be adequately quantified at this time, and therefore, the impact would be significant and unavoidable.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(3), impacts relating to GHG emissions may remain significant even after the implementation of all feasible mitigation and there are no feasible mitigation measures to reduce these impacts to below a level of significance at the program-level. The City is required to implement mitigation measures GHG-1 and GHG-2. GHG-3 would be implemented by future development consistent with the HEU. Notwithstanding implementation of these measures, Impact GHG-1 would remain

significant and unmitigated. Additional mitigation for the remaining cumulative impacts would be infeasible because the specific design and emissions associated with each project cannot be feasibly known or quantified at this time. The SMUP Alternative would result in fewer trips than any of the housing strategies under the HEU (refer to Transportation/Traffic, below); therefore, vehicular GHG emissions would be incrementally less. Adoption of the SMUP Alternative would, therefore, reduce but not completely avoid potentially significant and unavoidable impacts related to GHG emissions. Thus, a Statement of Overriding Considerations would be required with adoption of any of the three housing strategies or the SMUP Alternative.

Reference: Final PEIR Chapter 4.6, Greenhouse Gas Emissions, Appendix L, Greenhouse Gas Methodology and Modeling.

5. Land Use and Planning

Threshold of Significance Issue 3: Neighborhood Compatibility

Pursuant to Issue 3, a significant impact would occur if the project would result in substantial neighborhood compatibility impacts associated with significant traffic, noise, or aesthetics impacts.

Impacts

As discussed in the Final PEIR, Section 4.13, the HEU would allow the development of new residential and mixed-use uses throughout the City resulting in a significant decrease in the level of service (LOS) of existing roadways and intersections. Neighborhood incompatibility impacts from such traffic generation would be significant (Impact LU-1) under any of the housing strategies or the SMUP Alternative. The SMUP Alternative would reduce traffic impacts compared to the other housing strategies (refer to Transportation/Traffic, below).

The HEU would allow development of new uses throughout existing communities of the City. While the application of zoning regulations and design guidelines would ensure most development is compatible with the existing community character, development of housing sites L-7, O-4 and O-5 would be potentially incompatible with community character. Neighborhood incompatibility impacts from such the development of these locations would be significant (Impacts VIS-2, VIS-3, and VIS-4) under housing strategies 2 (BYO) and 3

(MMUP). Housing strategy 1 (RM) and the SMUP Alternative would eliminate housing site O-4 and would, thus, avoid the significant impacts.

Significant impacts that could be mitigated to a less than significant level were identified for noise-related neighborhood compatibility impacts. These findings are provided in Section VIII, Significant Effects and Mitigation Measures.

Explanation

Refer to Section B.1 above for details regarding the significant and unavoidable aesthetic impacts (VIS-2, VIS-3, and VIS-4). These impacts would result in significant and unavoidable neighborhood incompatibility impacts under housing strategies 2 and 3.

Refer to Section B.6 below for details regarding the significant and unavoidable transportation and traffic impacts (TRF-1 through TRF-26). These impacts would result in significant and unavoidable neighborhood incompatibility impacts under all housing strategies and the SMUP Alternative.

Mitigation

No mitigation has been identified that could reduce the significant neighborhood compatibility impacts associated with traffic and aesthetics to a less than significant level. The project already incorporates features to maximize protection of community character to the extent feasible through implementation of new zone standards and design guidelines intended to maximize consistency with the surrounding land use context and character of individual neighborhoods. Thus, no further mitigation is available at the program-level to reduce the adverse impact resulting from development of sites L-7 (Impact VIS-2), O-4 (Impact VIS-3), and O-5 (Impact VIS-4).

Finding

Pursuant to CEQA Guidelines Section 15091(a)(3), there are no feasible mitigation measures to reduce the neighborhood compatibility impact to below a level of significance. Notwithstanding the project design features including zoning standards and design guidelines, Impacts LU-1, VIS-2, VIS-3 and VIS-4 would remain significant and unmitigated for housing strategies 2 (BYO) and 3 (MMUP). Specific findings detailing the

infeasibility of further mitigation are provided in Section B.1 above for Impacts VIS-2, VIS-3, and VIS-4 and in section B.6 below for Impacts TRF-1 through TRF-26.

However, housing strategy 1 (RM) and the SMUP Alternative would remove housing sites L-7 and O-4 from the HEU, thus, eliminating the significant and unavoidable community character impact at these sites. Additionally, the SMUP Alternative would reduce traffic volumes in the study area, thus, reducing the severity of the neighborhood compatibility impact related to traffic generation. Adoption of the SMUP Alternative would reduce but not completely avoid potentially significant and unavoidable impacts related to Issue 4, Neighborhood Compatibility. Thus, a Statement of Overriding Considerations would be required with adoption of any of the three housing strategies or the SMUP Alternative.

Reference: Final PEIR Chapter 4.1 Visual Resources, Chapter 4.9 Land Use and Planning, Chapter 4.13 Transportation and Traffic, Chapter 9 Alternatives, and Appendix N, City of Encinitas Housing Element Traffic Impact Study, and Appendix P, SMUP Traffic Impact Analysis Memo.

6. Transportation and Traffic

Threshold of Significance Issues 1 and 2: Circulation System Capacity and Operations

Pursuant to Issues 1 and 2, a significant impact would occur if the project would:

- Result in buildout of land uses, which would generate an increase in projected traffic that is substantial in relation to the capacity of the existing circulation system (with the addition of funded capital improvement projects [CIP] improvements).
- Conflict with other standards establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

Impacts

Buildout of the HEU would result in significant impacts (Impacts TRF-1 through TRF-26) to roadway segments and intersections. These impacts are cumulative impacts of HEU

buildout that would potentially occur when buildout of the HEU is added to future growth in the surrounding area for the horizon year 2035 (TRF-1 through TRF-26).

Housing strategy 1 would result in 15 significant roadway segment impacts, identified as Impacts TRF-1 to TRF-15. Housing strategy 2 would result in 20 significant roadway segment impacts, identified as Impacts TRF-1 to TRF-12, and TRF-14 to TRF-21. Housing strategy 3 would result in 20 significant roadway segment impacts (Impacts TRF-1 to TRF-20), two significant intersection impacts (TRF-22 and TRF-23), as well as three ramp intersection impacts (TRF-24 to TRF-26). The SMUP Alternative would result in six roadway segment impacts (TRF-4, TRF-5, TRF-6, TRF-7, TRF-9, TRF-10); two intersection impacts (TRF-22 and TRF-23) and one freeway ramp impact (TRF-26).

Explanation

In order to determine the significant of traffic and transportation impacts resulting from buildout of the HEU, the trip generation for each housing strategy was calculated based on the land use maps and buildout assumptions provided by the City and trip generation rates from SANDAG's Guide to Vehicular Traffic Generation Rates for the San Diego Region. As shown in the Final PEIR, Table 4.13-9, housing strategy 3 (MMUP) would result in the largest increase in average daily traffic (30,149 ADT), followed by housing strategy 2 (Build Your Own [BYO]) (24,566 ADT), housing strategy 1 (Ready Made [RM]) (16,361 ADT), and the SMUP Alternative (2,364 ADT).

Final PEIR, Tables 4.13-11 through 4.13-19 identify the future year 2035 conditions for roadway segments, intersections, and freeway segments and identifies whether a significant impact would occur. Refer to the Final PEIR, Table 4.13-20 for a summary of each identified traffic impact and whether the impact would occur for each housing strategy. A detailed analysis of future year traffic conditions under the SMUP Alternative can be found in Appendix P of the Final PEIR. A summary of impacts is included in Section 9.3 of the Final PEIR.

Mitigation

To reduce the potentially significant impacts, improvements to roadway segments, intersections, and freeway ramps would be required. The Final PEIR, Table 4.13-21

identifies 26 mitigation measures (TRF-1 through TRF-26) to address impacted roadways, intersections, and ramps.

Since adoption of the HEU would result in additional transportation and traffic impacts beyond those that would occur with buildout of the General Plan, the City's existing CIP program would not be sufficient to fund improvements identified in the Final PEIR Table 4.13-21 and summarized above. Thus, mitigation measures TRF-27 and TRF-28 are included to establish a program for funding improvements needed to address traffic impacts of the HEU. This program requires actions to be taken by both the City (establishment and implementation) as well as actions to be taken by future projects.

TRF-27: Within 12 months after the date the HEU becomes effective, the City shall complete a nexus study and adopt a HEU fee mitigation program, as follows:

- a. To establish this mitigation program, the City shall identify the costs associated with feasible traffic improvements identified in Table 4.13-21 of the Final EIR, or equally feasible opportunities, such as but not limited to local transit in conjunction with local transit agency providers and roundabouts as traffic mitigation. . Once the costs are established, the City shall undertake a nexus study to identify how the funds will be collected on a per project basis (e.g., by trip generated, unit, etc.). Costs funded may include program administration, project administration and management, design and engineering, regulatory compliance, and construction. The nexus study will also evaluate additional improvements for multimodal facilities, including transit capital, and operations and maintenance costs.
- b. Once the HEU traffic mitigation program is established, each project shall contribute its fair share of the traffic improvements as identified in the program prior to Certificate of Occupancy Permit.
- c. The City shall deposit the funds in a specific account dedicated for the use of completing the improvements identified in the HEU traffic mitigation program. The funds shall be used exclusively for the purpose of implementing mitigation for the impacts associated with buildout of the HEU; however, upon completion of a citywide nexus study, this program could include additional improvements related to multi-modal facilities as well.

- d. The City shall complete an annual public report on the HEU traffic mitigation program within 180 days of the completion of the fiscal year pursuant to the Mitigation Fee Act (California Government Code Section 66000 et seq.).

TRF-28: Within 12 months from the date the HEU becomes effective, the City shall enter into a Traffic Mitigation Agreement with Caltrans for implementation of the necessary improvements identified in Table 4.13-21 of the Final PEIR. Payment of fair-share fees shall be determined based on the increase in freeway traffic directly attributable buildout of the HEU.

Mitigation measure TRF-27 would provide the City of Encinitas with a mechanism for financing the implementation of the identified improvements required to mitigate cumulative impacts of the HEU through future year 2035. The program would assign a fair-share transportation impact fee to development projects based on a nexus between the cost to implement all proposed circulation improvements and the number of net new trips.

However, since the mitigation fee program outlined in TRF-27 has not been approved, there is no assurance that funding will be available to construct the required improvements at the time future development is proposed. Until such time as this program is implemented, impacts would remain significant and unmitigated. Additionally, some of the identified mitigation measures were found to be infeasible for following reasons: (1) the improvement would result in the roadway exceeding the General Plan classification; (2) insufficient right-of-way exists and the City/community prefer to retain existing adjacent uses instead of exercising eminent domain and (3) the improvement conflicts with existing or planned multi-modal facilities or adopted City policies or program relative to the provision of multi-modal facilities (pedestrian, bicycle or transit). As such, these impacts would be significant and unmitigated.

Mitigation measure TRF-28 would provide a mechanism by which a funding source could be developed to mitigate for ramp capacity impacts to Caltrans facilities. Because the City cannot ensure that the mitigation necessary to avoid or reduce the impacts to a level below significance will occur prior to construction of any or all of the housing sites, the HEU's cumulative impacts on freeway ramp operations at the I-5 southbound ramp at Encinitas

Boulevard, the I-5 northbound ramp at Encinitas Boulevard, and the I-5 southbound on-ramp at Santa Fe Drive are considered significant and unmitigated.

Finding

Pursuant to CEQA Guidelines Section 15091(a)(2), the implementation of necessary improvements to freeway facilities is within the exclusive jurisdiction of Caltrans, not the City, and Caltrans can and should adopt the measures identified in Table 4.13-21 of the Final PEIR; pursuant to CEQA Guidelines Section 15091(a)(3), the potential traffic impacts would remain significant even after the implementation of all feasible mitigation and there are no feasible mitigation measures to reduce all of the project's potentially significant transportation impacts to below a level of significance. The project is required to implement all feasible mitigation measures referenced in Table 4.13-21 of the Final PEIR. Notwithstanding implementation of the proposed fee mitigation program described in TRF-27 and Transportation Mitigation Agreement program (TRF-28), impacts TRF-1 – TRF-26 would remain significant and unmitigated. In addition, the timing, design and implementation of necessary improvements to freeway facilities is within the exclusive jurisdiction of Caltrans and the City cannot guarantee that necessary improvements will be installed when needed. No other feasible mitigation measures have been identified that would reduce potentially significant impacts to less than significant.

However, one of the feasible project alternatives, the SMUP, would reduce significant traffic impacts compared to the three housing strategies. Adoption of the SMUP Alternative would reduce but not completely avoid potentially significant and unavoidable impacts related to Issues 1 and 2: Circulation System Capacity and Operations. Thus, a Statement of Overriding Considerations would be required with adoption of any of the three housing strategies or the SMUP Alternative.

Reference: Final PEIR Chapter 4.13 Transportation/Circulation and Chapter 9, Alternatives.

IX. FINDINGS REGARDING PROJECT ALTERNATIVES

In preparing and adopting findings, a lead agency need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when

contemplating the approval of a project with significant environmental impacts. Where the significant impacts can be mitigated to a level of insignificance solely by the adoption of mitigation measures, the lead agency has no obligation in drafting its findings to consider the feasibility of environmentally superior alternatives, even if their impacts would be less severe than those of the project as mitigated. Accordingly, in adopting the findings concerning alternatives for the proposed project, the City of Encinitas considers only those significant environmental impacts that cannot be avoided or substantially lessened through mitigation.

Where a project will result in some unavoidable significant environmental impacts even after application of all feasible mitigation measures identified in an EIR, the lead agency must evaluate the project alternatives identified in the EIR. Under such circumstances, the lead agency must consider the feasibility of alternatives to the project, which could avoid or substantially lessen the unavoidable significant environmental impacts. “Feasible” means capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social and technological factors (CEQA Guidelines Section 15364).

If there are no feasible project alternatives, the lead agency must adopt a Statement of Overriding Considerations with regard to the project pursuant to CEQA Guidelines Section 15093. If there is a feasible alternative to the project, the lead agency must decide whether it is environmentally superior to the proposed project. The lead agency must consider in detail only those alternatives which could feasibly attain most of the basic objectives of the project; however, the lead agency must consider alternatives capable of eliminating significant environmental impacts even if these alternatives would impede to some degree the attainment of project objectives (CEQA Guidelines Section 15126.6(f)).

These findings contrast and compare the alternatives, where appropriate, in order to demonstrate that the selection of the SMUP Housing Strategy Alternative has substantial environmental, planning, fiscal and other benefits. In rejecting the No Project (Adopted General Plan) Alternative, the City has examined the project’s objectives and weighed the ability of the various alternatives to meet the objectives. The City believes the SMUP Housing Strategy Alternative best meets these objectives with the least environmental impact. The overall objectives of the project are divided into two categories: objectives of the

Housing Element Update and objectives of the housing strategies, which together comprise the objectives of the HEU. Objectives of the Housing Element Update are:

1. **Housing Choice.** Accommodate a variety of housing types to meet the needs of all Encinitas residents, creating opportunities for attainably-priced housing for all income groups.
2. **Adequate Supply.** Provide adequate sites with corresponding density to meet the City's RHNA allocation, inclusive of prior planning cycle carryover housing units.
3. **Effective Implementation.** Deliver State-mandated and locally desired programs to implement the City's Housing Element.

Objectives of the housing strategies are:

1. **Maintain Community Character.** Integrate future development using a blend of two- and three-story buildings or building elements into the City's seven community character contexts through appropriately located sites and project design, and embrace the unique cultural identities expressed in each of the five communities.
2. **Emphasize Mixed Use.** Accommodate mixed use, walkable places in key activity centers of every Encinitas community, while allowing for some standalone housing.
3. **Achieve a Variety of Neighborhood Types.** Provide a mix of building types and varied site designs that incorporate existing community character contexts to achieve a variety of neighborhood types in which to develop new housing and mixed use.
4. **Consider Infrastructure Conditions.** Ensure adequate infrastructure to support new housing by locating future development in areas that have existing or potential capacity for infrastructure and public services to accommodate it.
5. **Address Mobility Needs.** Maintain or enhance community access and mobility networks.

6. **Strive for a Sustainable Encinitas.** Coordinate planning for land use, transportation, and housing to reduce environmental impacts and preserve a natural, healthy environment.
7. **Strengthen the Local Economy.** Locate housing in the right places to grow the economy organically by supporting local businesses and making the City more fiscally sustainable.
8. **Equitably Distribute Multi-family Housing.** Distribute attached and multi-family housing to the City's five communities.

The objectives considered by the City are set forth in Section 3.3 of the PEIR.

The EIR examined a reasonable range of alternatives to determine whether they could meet the project's objectives while avoiding or substantially lessening one or more of the project's unavoidable significant impacts. These findings also considered the feasibility of each alternative. In determining the feasibility of alternatives, the City considered whether the alternatives could be accomplished in a successful manner within a reasonable period of time in light of economic, environmental, social, and technological factors, and whether the City can reasonably acquire, control, or otherwise have access to the alternative sites (CEQA Guidelines §§ 15126(d)(5)(A), 15364).

The PEIR concluded that the HEU housing strategies 1 through 3 would result in unavoidable significant direct impacts on: aesthetics, air quality, cultural resources, greenhouse gas emissions, land use, and transportation and traffic. Some of these impacts could be avoided or reduced to a level below significance by the mitigation measures recommended in the PEIR; however, due to the programmatic nature of the mitigation, the timing and implementation of some measures relative to future development of the housing sites is uncertain. Accordingly, the PEIR analyzed two alternatives to the project: the No Project (Adopted General Plan) Alternative and the SMUP Alternative. Detailed information and analysis concerning these alternatives are set forth in Chapter 9.0, Alternatives of the PEIR and Appendix P, the SMUP Traffic Analysis. The following section of these findings summarizes the No Project Alternative and the feasibility of the No Project Alternative as a means to reduce or avoid the unavoidable significant impacts

associated with the project. The findings and feasibility of the SMUP Housing Strategy Alternative are discussed above under VIII of the Findings.

A. No Project Alternative

The No Project Alternative is an alternative which is required to be evaluated by CEQA (CEQA Guidelines Section 15126(d)(2)). Consistent with CEQA Guidelines Section 15126.6(e)(3)(A), the No Project Alternative represents the continued implementation of the adopted General Plan Land Use and zoning for the housing sites. Compared to the HEU project, the No Project Alternative would have lower density of residential land use per acre and fewer overall square feet of commercial development. Under this alternative, the City is forecasted to have a total population of 74,268 people by the year 2035 (SANDAG 2015) and approximately 837 dwelling units would be permitted throughout the City.

The No Project Alternative would result in similar impacts associated with most environmental issues; however, due to the fewer number of trips generated by the adopted plan, impacts associated with traffic (mobile emissions, traffic-related noise) would be less than the HEU. Additionally, under the adopted General Plan, less intense development would occur on a number of visually sensitive housing sites, wherein buildout under the No Project Alternative would result in fewer and reduced visual and community character related impacts, as compared to the HEU. The No Project Alternative would, however, result in several greater impacts than the HEU. Because future development under the No Project Alternative would not be subject to the mitigation framework in this PEIR, impacts associated with sensitive receptors and paleontological resources would be greater. In addition, buildout of the adopted General Plan would not result in as efficient a land use pattern as the housing strategies under the HEU; therefore, GHG and land use impacts would be greater.

However, the No Project Alternative is not a feasible alternative, as defined by CEQA, because it would not meet any of the project objectives. The No Project Alternative would not provide an update to the Housing Element, as required by State law. Furthermore, development under the adopted General Plan would not be in compliance with State law with regards to providing adequate sites with high-density residential zoning. This alternative would not satisfy the project objectives.

The City of Encinitas finds that the No Project Alternative would not achieve any of the project's objectives and would preclude obtaining the benefits of the project, including: an increased inventory of land available for higher density/more affordable housing; increased opportunities for infill, more compact and transit-oriented development consistent with Senate Bill 375 and the Sustainable Communities Strategy/San Diego Forward. The City finds that all potential significant environmental impacts of the HEU will be mitigated by project features, including new zoning regulations and design guidelines and the adoption of the mitigation framework set forth in the MMRP, except significant impacts on aesthetics, air quality, cultural resources, greenhouse gas emissions, land use (neighborhood compatibility), and traffic. The City further finds that, although the No Project Alternative would avoid or substantially lessen the significant impacts relative to traffic and aesthetics, the No Project Alternative is infeasible because it would not attain any of the project objectives and would not provide the City with any of the benefits of the project described above and in the Statement of Overriding Considerations, and thus would be undesirable from a policy standpoint. For the potential significant impacts which cannot be avoided or mitigated to a level below significance, therefore, the City adopts the Statement of Overriding Considerations below pursuant to CEQA Guidelines Section 15093.

B. Sustainable Mixed Use Places Housing Strategy Alternative

The SMUP Alternative would meet the City's RHNA obligation, while providing an adequate buffer to ensure compliance with the State law requiring no net loss of adequate sites. This alternative incorporates those housing sites that: (1) have fewer combined unmitigated impacts than the other three housing strategies; and (2) presents the fewest constraints to future implementation of future housing at those locations. The SMUP Alternative represents an alternative to the HEU housing strategies addressed as the project in Chapter 3.0.

The SMUP Alternative refines, but would have fewer impacts than the HEU's housing strategy 3 (MMUP), which was developed in response to substantial public input. All sites that comprise the SMUP Alternative would meet the project objectives. The SMUP Housing Strategy Alternative is composed of the following housing sites:

ALT-2: Housing site Alt-2 was included in the SMUP Alternative because this site provides an opportunity to strengthen the walkable Main Street Corridor character of Leucadia. Additionally, its inclusion helps meet project objectives by transitioning residential yields from moderate-income categories to lower income categories.

OE-1: Housing site OE-1 was included in the SMUP Alternative because it provides an opportunity to convert incompatible heavy commercial and light industrial land uses adjacent to Moonlight Beach and the downtown walkable Main Street Corridor with complementary and visitor serving uses. Visitor-serving uses are an important consideration adjacent to the beach in the Coastal Zone.

OE-4: Housing site OE-4 was included in the SMUP Alternative because it provides an opportunity for redevelopment of the underutilized City Hall sites into a mixed use place immediately adjacent to the Encinitas transit center.

ALT-7: Housing site Alt-7 was included in the SMUP Alternative because it provides an opportunity to strengthen the walkable Main Street Corridor character of downtown Encinitas by converting underutilized sites to stitch together the whole of the downtown. Additionally, its inclusion helps meet project objectives by transitioning residential yields from moderate-income categories to lower income categories.

OE-7: Housing site OE-7 was included in the SMUP Alternative because while there is potential for biological resources, the site is considered “infill” being fully surrounded by urbanization. Changing the land use from commercial to residential would reduce overall traffic trips and takes advantage of adjacent bus service.

C-3: Housing site C-3 was included in the SMUP Alternative because it would reduce traffic trips and strengthen the walkable character of the Cardiff Town Center/Village by accommodating mixed use.

C-1: Housing site C-1 was included in the SMUP Alternative because it provides an opportunity to complement the Encinitas Community Park by improving entrance aesthetics and allowing residents to walk to the park rather than drive from a distant site.

C-6: Housing site C-6 was included in the SMUP Alternative because it provides an opportunity to meet diverse housing needs.

NE-7: Housing site NE-7 was included in the SMUP Alternative because it reduces traffic trips and provides a mixed use walkable place for New Encinitas. It also provides an opportunity to improve the aesthetics in the heart of the City's commercial corridor.

ALT-3: Housing site Alt-3 was included in the SMUP Alternative because it provides an opportunity to improve the aesthetics in the heart of the City's commercial corridor.

NE-1: Housing site NE-1 was included in the SMUP Alternative because it reduces traffic trips and provides a mixed use walkable place adjacent to existing shopping, park facility and planned cultural facility.

ALT-4: Housing site Alt-4 was included in the SMUP Alternative because it focuses the change in land use to only one of the "four corners" of Olivenhain and supports the viability of the adjacent new mixed use site, O-3.

O-3: Housing site O-3 was included in the SMUP Alternative because it reduces traffic trips and provides a mixed use walkable place for Olivenhain.

An issue-by-issue comparison of the SMUP Alternative and the HEU housing strategies is presented below.

The potential impacts of the SMUP Alternative are discussed in detail in Chapter 9.0, Section 9.3.2.2 of the PEIR. As Staff has recommended the SMUP Alternative for adoption, the impacts associated with the SMUP Alternative were previously discussed in detail in the above Findings Section VIII. The SMUP would reduce the following impacts of the HEU: aesthetics, air quality, biological resources, cultural and paleontological resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, and transportation and traffic (refer to Table 9-2 of the Final PEIR). The significant unmitigated aesthetic impacts would be altogether precluded through adoption of the SMUP Alternative. All other significant unavoidable impacts of the HEU would be reduced, but not to a level less than significant for the reasons described in Section VIII, above. The SMUP Alternative would require all of the same mitigation measures recommended for the project to reduce the impacts to a level below significance. The MMRP included in the Final PEIR includes the mitigation program specific to the SMUP Alternative. Appendix P of the final PEIR includes a detailed traffic analysis of this

Alternative and identifies the subset of mitigation measures, previously identified for the HEU strategies that would apply to the SMUP Alternative.

The SMUP Alternative would achieve all of the project objectives stated in Chapter 3.0 of the Final PEIR. The City of Encinitas finds that all potential significant environmental impacts of the HEU housing strategies will be mitigated by the adoption of SMUP Alternative and the mitigation framework set forth in the MMRP, except the project's significant impact on air quality, cultural resources, greenhouse gas emissions, land use and planning, and traffic. The City further finds that, the SMUP Alternative would avoid the significant unavoidable impacts on aesthetics. The City further finds that the SMUP Alternative is feasible because it would attain all of the fundamental objectives of the project and would provide the City with all of the benefits of the project described above and in the Statement of Overriding Considerations. For the potential significant impacts which cannot be avoided or mitigated to a level below significance with adoption of the SMUP Alternative, the City adopts the Statement of Overriding Considerations below pursuant to CEQA Guidelines Section 15093.

X. STATEMENT OF OVERRIDING CONSIDERATIONS

Since circulation of the project for public review and consideration of the information contained in the PEIR, the City has elected to bring the SMUP Alternative forward for consideration. Thus, this Statement of Overriding Considerations reflects the significant and unavoidable impacts of the SMUP Alternative. As described in Section VIII.B of these Findings of Fact, the SMUP would have impacts that remain significant, even after the adoption of all feasible mitigation measures, on the following areas:

- Air Quality
- Cultural Resources
- Greenhouse Gas Emissions
- Land Use and Planning
- Transportation and Traffic

The City has adopted all feasible mitigation measures with respect to these impacts. Although the proposed mitigation measures may substantially lessen these significant impacts, adoption of the measures would not fully reduce the impacts to a less than significant level.

Moreover, the City has examined a reasonable range of alternatives to the project. Based on this examination, the City has determined that the SMUP Alternative would (1) meet project objectives and (2) is environmentally preferable to the project. Nonetheless, the SMUP Alternative would result in significant and unavoidable impacts.

As a result, to approve the SMUP Alternative, the City must adopt a “statement of overriding considerations” pursuant to CEQA Guidelines Sections 15043 and 15093. This provision allows a lead agency to cite a project’s general economic, social, or other benefits as a justification for choosing to allow the occurrence of specified significant environmental effects that have not been avoided. The provision explains why, in the agency’s judgment, the project’s benefits outweigh the unavoidable significant effects. Where another substantive law (e.g., the California Clean Air Act, the Federal Clean Air Act, or the California and Federal Endangered Species Acts) prohibits the lead agency from taking certain actions with environmental impacts, a statement of overriding considerations does not relieve the lead agency from such prohibitions. Rather, the decision-maker has recommended mitigation measures based on the analysis contained in the Final PEIR, recognizing that other resource agencies have the ability to impose more stringent standards or measures.

CEQA does not require lead agencies to analyze “beneficial impacts” in an EIR. Rather, EIRs are to focus on potential “significant effects on the environment,” defined to be “adverse.” (Pub. Resources Code Section 21068.) The Legislature amended the definition to focus on “adverse” impacts after the California Supreme Court had held that beneficial impacts must also be addressed (See *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 206 [132 Cal.Rptr. 377]). Nevertheless, decision-makers benefit from information about project benefits. These benefits can be cited, if necessary, in a statement of overriding considerations (CEQA Guidelines Section 15093).

The City finds that the SMUP Alternative would have the following substantial legal, social, environmental, and economic benefits. Any one of the reasons for approval cited below is sufficient to justify approval of the SMUP Alternative. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found either below or in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the Record of Proceedings, as defined in Section I.

A. Legal Benefits

- State law requires that housing elements in the San Diego region be completed by April 27, 2013, 18 months after the adoption of the 2050 RTP/SCS. The Housing Element for the City of Encinitas has not been updated since the 1990s. Thus, the City is in violation of State law, is subject to fines, and the General Plan is vulnerable to litigation.

B. Economic Benefits:

- The SMUP Alternative would accommodate more attached and multi-family housing units. These higher density housing types provide economic benefits such as lower per unit construction and potential reductions in municipal infrastructure costs. Higher densities also reduce occupant housing costs.
- With adoption of the SMUP Alternative and voter approval of the HEU, the City will be eligible for more State funding including infrastructure and public amenity improvement funds that the city is currently ineligible due to the lack of a current housing plan.
- Adoption of the SMUP Alternative will streamline development on housing sites, resulting in construction jobs and associated economic benefits.
- Development of underutilized land will result in an increase in property tax revenues.

C. Circulation Benefits:

- The MMRP for the SMUP Alternative includes mitigation measure TRF-27 and TRF-28, which would require adoption of a fee mitigation program, which would provide a mechanism for projects to contribute their fair share for future traffic improvements.

D. Social Benefits:

- Adoption of the SMUP Alternative would provide increased affordable housing options.
- The project would improve walkability and non-vehicular trips by providing housing in proximity to commercial uses.
- Adoption of the SMUP Alternative will include new zoning standards and design guidelines intended to preserve the diverse character of the City's communities.

X. CONCLUSIONS

The City finds that there is substantial evidence in the administrative record of benefits, as described above in Section IX, which would directly result from approval and implementation of the SMUP Alternative. The City finds that the need for these benefits specifically overrides the impacts of the proposed project related to air quality, cultural resources, greenhouse gas emissions, land use and planning, and transportation and traffic. Thus, the adverse effects of the SMUP Alternative are considered acceptable.

The City has independently reviewed and analyzed the Final PEIR as required by CEQA. Prior to that review and analysis, the City circulated the Draft PEIR and appendices and those documents also reflect the City's independent review, analysis, and judgment pursuant to CEQA.

As part of the certification of the Final PEIR, the City finds that the Final PEIR reflects the independent judgment of the City, acting in its capacity as the lead agency. As required by CEQA (Public Resources Code Section 21081.6), the City in adopting these findings and also adopts the MMRP. The City hereby finds that the MMRP meets the requirements of

Public Resources Code Section 21081.6 by providing for the implementation and monitoring of the mitigation measures set forth herein, which mitigate the identified significant impacts associated with the SMUP Alternative and are fully enforceable through permit conditions, agreements, these findings, and other measures.

Mitigation Monitoring and Reporting Program

Section 21081.6 of the CEQA Guidelines requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted upon certification of an EIR to ensure that the programmatic mitigation measures are implemented. The MMRP included in the Final EIR specifies what the programmatic mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The Housing Element Update (HEU) is described in the PEIR. The PEIR, incorporated herein as referenced, focused on issues determined to be potentially significant by the City. The issues addressed in the PEIR include aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services and facilities, transportation/traffic, and utilities.

Public Resources Code Section 21081.6 requires monitoring of only those impacts identified as significant or potentially significant. After analysis, potentially significant impacts requiring programmatic mitigation were identified for air quality, biological resources, cultural resources, greenhouse gas emissions, hazardous materials, water quality, land use, noise, and transportation/traffic.

The environmental analysis resulted in the identification of a programmatic mitigation framework, which would reduce potentially significant impacts, but not to below a level of significance for all the environmental issue areas. The Sustainable Mixed Use Places (SMUP) Alternative has been recommended for adoption; therefore, the MMRP addresses the mitigation framework applicable to this alternative. Programmatic mitigation measures have been identified for significant impacts related to air quality (consistency with Regional Air Quality Standards); cultural resources (historical and archaeological); greenhouse gas emissions; land use (neighborhood compatibility); and transportation/traffic (circulation system capacity and operations); however, such impacts would remain significant and unavoidable at the program-level.

The MMRP for the HEU is under the jurisdiction of the City as specified in Exhibit C to City Council Resolution No. 2016-51. The MMRP addresses the impacts identified as significant for the SMUP Alternative. Exhibit C summarizes the potentially significant impacts and lists the associated mitigation measures and the monitoring efforts necessary to ensure that the measures are properly implemented.

NOTE TO READER:

This MMRP document reflects City Council's final decision and therefore supersedes the MMRP document in the EIR

EXHIBIT C TO RESOLUTION NO. 2016-51 *(supersedes the document in EIR)*
Mitigation Monitoring and Reporting Program

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
Air Quality			
<p>Impact AQ-1: Consistency with RAQS</p> <p>From a long-term planning standpoint, implementation of the SMUP Alternative would not comply with the existing assumptions of density and land use used to develop the RAQS and applicable State Implementation Plan.</p>	<p>AQ-1: Prior to the next update of the regional housing needs assessment and within six months of the certification of the Final EIR, the City shall provide a revised housing forecast to SANDAG to ensure that any revisions to the population and employment projections used by SDAPCD in updating the RAQS and the SIP will accurately reflect anticipated growth due to the HEU.</p>	<p>Prior to the next update of the regional housing needs assessment within six months of the certification of the Final EIR.</p>	<p>City of Encinitas</p>
<p>Impact AQ-2: Criteria Pollutants</p> <p>The following 11 housing sites would result in construction emissions that exceed the significance threshold for ROG of 250 pounds per day: ALT-7, ALT-2, NE-4, ALT-3, OE-5, ALT-5, OE-8, C-2, NE-3, C-1 and NE-1 (Impacts AQ-2). These emissions would be due to the VOC content of the architectural coatings.</p> <p>The SMUP Alternative would include the following sites: ALT-7, ALT-2, ALT-3, C-1, and NE-1.</p> <p>Therefore, because the listed housing sites would generate daily emissions of ROG in excess of the established threshold, the SMUP strategy would result in a potentially significant impact.</p>	<p>AQ-2: For future development of housing sites consistent with the new zone program, wherein the City has determined a potential for ROG emissions impacts could occur, the Planning and Building Department shall require that the construction contractor be limited to the use of architectural coating (paint and primer) products that have a low- to no-VOC rating.</p>	<p>Prior to the issuance of construction permits or notice to proceed for future projects consistent with the new zone program.</p>	<p>City of Encinitas</p>

**EXHIBIT C TO RESOLUTION NO. 2016-51 (supersedes the document in EIR)
Mitigation Monitoring and Reporting Program**

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
<p>Impact AQ-3: Sensitive Receptors</p> <p>A significant impact would occur if the project would expose sensitive receptors to substantial pollutant concentrations. The SMUP Alternative includes housing site C-1, which is located within 500 feet from Interstate 5 (I-5). I-5 is a source of diesel particulate matter from vehicle emissions. Exposure to diesel particulate matter at housing sites C-1 would result in a potentially significant impact to sensitive receptors due to the potential adverse health effects resulting from long term exposure to these pollutants (Impacts AQ-3). Therefore, impacts to sensitive receptors under the SMUP Alternative would be potentially significant</p>	<p>AQ-3: In order to reduce impacts associated with exposure to diesel particulate matter, the following mitigation measure shall be implemented:</p> <ul style="list-style-type: none"> • Future development under with the new zone program shall be designed to minimize exposure to roadway-related pollutants and exposure shall be mitigated to the maximum extent feasible. Design features may include but are not be limited to: maximizing the distance between the roadway and sensitive receptors; locating air intake at the non-roadway facing sides of buildings, and ensuring that windows nearest to the roadway do not open. The orientation and placement of outdoor facilities designed for moderate physical activity shall be placed as far from the emission source as possible. Mitigation may also include installing mechanical ventilation systems with fresh air filtration and constructing a physical barrier between the roadway source and receptors of pollutants (e.g., sound wall or vegetative planting). • New parks with athletic fields, courts, and other outdoor facilities designed for moderate to vigorous activity under the new zone program should be sited at least 500 feet from the freeway. Exceptions to this recommended practice should be made only upon a written finding from a decision-making body that the benefits of such development outweigh the public health risks or that a site-specific analysis demonstrates a less than significant risk. • Ventilation Systems: Ventilation systems that are rated at Minimum Efficiency Reporting Value of “MERV13” or better for enhanced particulate removal efficiency shall be provided on all residential units within the HEU housing sites, located within 500 feet of I-5. 	<p>Prior to the issuance of construction permits or notice to proceed for future projects consistent with the new zone program.</p>	<p>City of Encinitas</p>

EXHIBIT C TO RESOLUTION NO. 2016-51 *(supersedes the document in EIR)*
Mitigation Monitoring and Reporting Program

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<ul style="list-style-type: none"> City staff shall ensure that the aforementioned requirements are included on plans associated with any permit for future development consistent with the new zone program and submitted for approval. The City shall verify compliance on-site prior to occupancy clearance. Staff shall also review the future Covenants, Conditions and Restrictions for inclusion of guidelines pertaining to the proper maintenance/replacement of filters. 		
Biological Resources			
<p>Impact BIO 1, 2, and 3: Sensitive Species</p> <p>Potentially significant direct impacts to sensitive plants and sensitive wildlife (Impact BIO-1) would result from development of housing sites ALT-4, ALT-5, C-6, L-4, L-7, NE-3, O-2, O-4, O-5, O-6, OE-1, OE-2, and OE-7.</p> <p>Significant direct and/or indirect impacts to least Bell's vireo (Impact BIO-2) would occur from development of housing sites ALT-7, NE-1, O-4, O-5, and OE-2.</p> <p>Potentially significant direct impacts to migratory or nesting birds would occur resulting from development of housing sites ALT-2, ALT-4, ALT-5, ALT-7, C-2, C-6, CBHMG-1, L-4, L-5, L-7, NE-1, NE-3, NE-4, NE-7, O-2, O-3, O-4, O-5, O-6, OE-1, OE-2, and OE-7 (Impact BIO-3).</p>	<p>BIO-1: Applications for future development of housing sites consistent with the HEU rezone program, wherein the City has determined a potential for impacts to sensitive biological resources, shall be required to comply with the following mitigation framework:</p> <p>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</p>	<p>Prior to the issuance of any permit for grading or vegetation removal for future projects consistent with the new zone program.</p>	<p>City of Encinitas</p>

EXHIBIT C TO RESOLUTION NO. 2016-51 *(supersedes the document in EIR)*
Mitigation Monitoring and Reporting Program

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
<p>The SMUP Alternative includes the following sites: OE-1, OE-7, NE-1, C-6, NE-7, and O-3. Therefore, development under this alternative would result in potentially significant impacts to sensitive species.</p>	<p>also recommend appropriate mitigation to reduce the impacts to below a level of significance.</p> <p>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.</p>		
	<p>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 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 are identified during the protocol surveys, then noise attenuation measures shall be required to ensure that noise levels from construction do not exceed a 60 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.</p>	<p>Prior to the issuance of any permit for grading or vegetation removal for future projects consistent with the new zone program.</p>	<p>City of Encinitas</p>
	<p>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 pre-construction survey to determine the presence of active bird nests if vegetation clearing is proposed during the typical bird breeding season (January 15–</p>	<p>Prior to the issuance of any permit for grading or vegetation removal for future projects consistent with the new zone</p>	<p>City of Encinitas</p>

EXHIBIT C TO RESOLUTION NO. 2016-51 *(supersedes the document in EIR)*
Mitigation Monitoring and Reporting Program

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>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.</p>	<p>program</p>	
<p>Impact BIO-4: Sensitive Vegetation Communities</p> <p>Potentially significant direct impacts to sensitive vegetation communities would occur for the SMUP Alternative, specifically resulting from development of housing sites ALT-4, C-6, OE-1, and OE-7 (Impact BIO 4).</p>	<p>BIO-4: Prior to issuance of a permit for grading or vegetation removal, future development of housing sites consistent with the HEU rezone program resulting in impacts to sensitive vegetation communities shall implement avoidance and minimization measures and provide suitable mitigation in accordance with the MHCP.</p> <p>Future project-level grading and site plans shall incorporate project design features to minimize direct impacts on sensitive vegetation communities including but not limited to riparian habitats, wetlands, non-native grassland, and coastal sage scrub. Mitigation for 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 impacts to sensitive vegetation communities shall be implemented at the time future development projects are proposed.</p>	<p>Prior to issuance of any permit for grading or vegetation removal for future projects consistent with the new zone program.</p>	<p>City of Encinitas</p>
<p>Impact BIO-5: Wetlands</p> <p>The SMUP Alternative would have the potential to impact jurisdictional waters or wetlands based on the potential presence of wetland resources on the following housing sites: ALT-4, ALT-7, C-6, NE-1, OE-1, and OE-7.</p>	<p>BIO-5: 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 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</p>	<p>Prior to issuance of any permit for grading or vegetation removal for future projects consistent with the new zone program.</p>	<p>City of Encinitas</p>

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	<p>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.</p> <p>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 riparian areas which will require 50-foot-wide buffers.. Use and development within buffer areas shall be limited to minor passive recreational uses with fencing, desiltation 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</p>		

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	<p>suitable device.</p> <p>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.</p>		
Cultural/Historical Resources			
<p>Impact CUL-1: Historical Resources</p> <p>Direct impacts to historical resources could potentially result from the physical demolition, destruction, relocation, or alteration of potential historical resources within the housing sites (Impact CUL-1) under the SMUP Alternative.</p>	<p>CUL-1: Applications for future development of housing sites consistent with the new zone program, wherein the City has determined a potential for impacts to historical resources, shall be required to comply with the following mitigation framework:</p> <ul style="list-style-type: none"> a) Prior to the issuance of any permit for a future development project, the age and original structural integrity and context of any buildings/structures occurring on the housing sites shall be verified. The project applicant shall submit in conjunction with the development permit application, verification of the age and original structural integrity of all on-site structures. b) For any building/structures in excess of 50 years of age having its original structural integrity intact, a qualified professional historian shall determine whether the affected building/structure is historically significant. The evaluation of historic architectural 	<p>Prior to the issuance of any permits for future projects consistent with the new zone program</p>	<p>City of Encinitas</p>

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	<p>resources shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in CEQA Guidelines Section 15064.5. A historical resource report shall be submitted by the project applicant to the City and shall include the methods used to determine the presence or absence of historical resources, identify potential impacts from the proposed project, and evaluate the significance of any historical resources identified.</p> <p>Although significant impacts to historical resources may be mitigated through future review of project-specific development proposals in accordance with CUL-1, it cannot be assured that mitigation for each housing site would be feasible at this program level of analysis. Therefore, the impact to historical resources is considered significant and unavoidable.</p>		
<p>Impact CUL-2: Archaeological Resources</p> <p>While the HEU does not specifically propose alteration of a known archaeological resource or ground-disturbing activities such as grading or excavation, it can be assumed that future development of housing sites could have the potential to directly or indirectly impact undiscovered subsurface archaeological resources through such activities. The following housing sites consist, at least in part, of undeveloped land and/or have been mapped as having 'high sensitivity' for archaeological</p>	<p>CUL-2: Applications for future development of housing sites consistent with the new zone program, wherein the City has determined a potential for impacts to historical resources, shall be required to comply with the following mitigation framework:</p> <p>Prior to the issuance of any permit for future development consistent with the new zone program located on a previously undisturbed housing site, an archaeological survey shall be conducted by a qualified archaeologist to evaluate the presence of archaeological resources and the need for project impact mitigation by preservation, relocation, or other methods. The archaeological survey should include a records search at the South Coastal Information Center branch of the California Historical Research Information System, to determine if previously recorded prehistoric or historic archaeological resources exist on the housing site. In addition, the Native American</p>	<p>Prior to the issuance of any permit for future development consistent with the new zone program.</p>	<p>City of Encinitas</p>

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<p>resources by the General Plan Resource Management Element. Future development of these sites has the potential to significantly impact archaeological resources: ALT-4, C-6, OE-1, and OE-7 (Impact CUL-2) under the SMUP Alternative.</p>	<p>Heritage Commission should be contacted to perform a Sacred Lands File Search. An archaeological resource report detailing the results of the record search, Sacred Lands Search, and the field survey of the housing site shall be submitted by the project applicant to the City. The report shall include the methods used to determine the presence or absence of archaeological resources, identify potential impacts from the proposed project, and evaluate the significance of any archaeological resources identified. If potentially significant impacts to an identified archaeological resource are identified, the report shall also recommend appropriate mitigation to reduce the impacts to below a level of significance. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure. Reports shall be submitted to the South Coastal Information Center upon finalization.</p> <p>Although significant impacts to archaeological resources may be mitigated through future review of project-specific development proposals in accordance with CUL-2, specific mitigation to ensure impacts would be fully mitigated to a less than significant level at the program EIR level is not available since specific development projects are not known at this time. Therefore, the impact to archeological resources is considered significant and unavoidable.</p>		
<p>Impact CUL-3: Paleontological Resources</p> <p>The SMUP Alternative and specifically, the following housing sites under this alternative may be underlain by geological formations with a moderate to high paleontological resource potential:</p>	<p>CUL-3: Applications for future development of housing sites consistent with the new zone program, wherein the City has determined a potential for impacts to paleontological resources, shall be required to comply with the following mitigation framework:</p> <p>A qualified paleontological monitor shall be present during grading on housing sites where development would require the excavation of over 1,000 cubic yards of a geologic</p>	<p>Prior to the issuance of any permit for future development consistent with the new zone program.</p>	<p>City of Encinitas</p>

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<p>ALT-3, ALT-4, ALT-7, C-6, NE-7, O-3, OE-1, and OE-7. These sites may be underlain with undisturbed deposits of Torrey Sandstone and/or the Del Mar formation and impacts to these formations could significantly impact subsurface paleontological resources (Impact CUL-3).</p>	<p>formation with high resource potential to contain paleontological resources, excavation depths within the geologic formation of 10 feet or greater, or over 2,000 cubic yards of a geologic formation with moderate resource potential to contain paleontological resources. Geologic formations would be determined by a site-specific geotechnical study. The monitor shall have the authority to stop and/or divert grading, trenching, or excavating if a significant paleontological resource is encountered. An excavation plan shall be implemented to mitigate the discovery. Excavation shall include the salvage of the fossil remains (simple excavation or plaster-jacketing of larger and/or fragile specimens); recording stratigraphic and geologic data; and transport of fossil remains to laboratory for processing and curation.</p>		
Greenhouse Gas Emissions			
<p>Impact GHG-1: GHG Emissions</p> <p>GHG emissions would be associated with the future construction and operation of each housing site and emissions would be proportional to the size of proposed development. The analysis estimates a numeric increase in GHG emission of approximately 42,599 to 55,458 MT CO₂E annually; however, this number is not a sufficiently informative or reliable indicator of the significance of the project's GHG emissions. Thus, the analysis also considers the HEU's consistency with regulatory programs related to greenhouse gas emission. The analysis concludes that future</p>	<p>The following mitigation measures would address the GHG emission impacts at the program-level.</p> <p>GHG-1: Within six months of adopting the HEU, the City shall provide a revised land use plan to SANDAG to ensure that any revisions to <i>the</i> population and employment projections used in updating the SCS will accurately reflect anticipated growth due to the HEU.</p>	<p>GHG-1: Within six months of adopting the HEU, the City shall provide a revised land use plan to SANDAG.</p>	<p>City of Encinitas</p>

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<p>development under the HEU would result in significant impacts due to transportation, energy, water use, and area source emissions and inconsistency with applicable regulatory programs (Impacts GHG-1) under the SMUP Alternative.</p>			
	<p>GHG-2: To mitigate citywide GHG impacts at the program-level, the City shall adopt a qualified climate action plan within 20 months after the date the HEU becomes effective. The climate action plan shall contain the following components:</p> <ul style="list-style-type: none"> a) The City’s goals for reducing GHG emissions consistent with the statewide reduction goals outlined in AB 32 and expressed in Executive Orders S-03-05, and B-30-15; b) Quantified community and municipal GHG emissions inventories for a baseline year and business as usual emissions through 2050; c) Identification of emission reduction required to meet GHG emissions targets as established by the California Air Resources Board’s Climate Change Scoping Plan and related statewide policies and regulations; d) GHG reduction measures consisting of project-level implementation measures as well as citywide policies, standards, and programs. The project-level and citywide measures will be designed to achieve emissions reductions that would meet or exceed the established GHG reduction targets in line with statewide goals expressed in AB 32 and Executive Order B-30-15. <p>The timeline for preparation and adoption of the climate action plan</p>	<p>GHG-2: The City shall adopt a qualified climate action plan within 20 months after the date the HEU becomes effective.</p>	<p>City of Encinitas</p>

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	<p>shall include the following milestones:</p> <ul style="list-style-type: none"> • Project Initiation/Public Scoping Meetings – 2 Months • Inventories and forecasts – 2 Months • Outreach and Public Scoping Meetings – 2 Months • Reduction Measures and Projections – 2 Months • Document Preparation – 2 Months • Environmental – 6 Months • Public Review – 1 Month • Response to Comments and Certification – 1 Month • Commission and City Council Public Hearings – 2 Months <p>Upon completion of the climate action plan, future development shall be consistent with the CAP, and projects may utilize the project implementation checklist to ensure compliance with the City’s GHG reduction targets.</p>		
	<p>GHG-3: Until the adoption of a qualified climate action plan (or in the event a climate action plan is not adopted), all discretionary projects that exceed the CAPCOA 900 MT CO₂E screening threshold shall prepare a project-specific GHG analysis that identifies an appropriate project-level significance threshold and project-specific mitigation measures. Mitigation measures that may be applied at the future project-level include, but are not limited to those identified in Table 4.6-10 of the Final EIR. The project-level analysis shall demonstrate that, with implementation of the mitigation measures identified in Table 4.6-10 of the Final EIR that are applicable to the project, the project will not impede the implementation of AB 32 or Executive Order B-30-15.</p>	<p>GHG-3: Prior to the issuance of any permit for future development consistent with the new zone program.</p>	<p>City of Encinitas</p>

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Hazards and Hazardous Materials			
<p>Impact HAZ-1: Accidental Release</p> <p>Development of housing sites under the SMUP Alternative would result in potentially significant impacts related to accidental release of hazardous materials. This would occur where housing sites have been exposed to hazardous materials or have on-site contamination, which could result in a potentially significant impact to the public or environment if hazardous materials or contamination are not properly handled and removed prior to development. Specifically, development on housing sites C-1, C-3, NE-7, OE-1, OE-4, OE-7, ALT-2, ALT-3, and ALT-7 under the SMUP Alternative may have been exposed to contamination from current or prior uses such as gas stations and agricultural land use.</p>	<p>HAZ-1: Future projects shall be required to identify potential conditions, which require further regulatory oversight and demonstrate compliance based on the following measures prior to issuance of any permits:</p> <ul style="list-style-type: none"> a) A Phase I Environmental Site Assessment shall be completed in accordance with American Society of Testing and Materials Standards. If hazardous materials are identified requiring remediation, a Phase II ESA and remediation effort shall be conducted in conformance with Federal, State, and local regulations. b) If the Phase II ESA identifies the need for remediation, then the following shall occur prior to the issuance of grading permits: <ul style="list-style-type: none"> 1. The applicant shall retain a qualified environmental engineer to develop a soil and/or groundwater management plan to address the notification, monitoring, sampling, testing, handling, storage, and disposal of contaminated media or substances (soil, groundwater). The qualified environmental consultant shall monitor excavations and grading activities in accordance with the plan. The groundwater management and monitoring plans shall be approved by the City prior to development of the site. 2. The applicant shall submit documentation showing that contaminated soil and/or groundwater on proposed development parcels have been avoided or remediated to meet cleanup requirements established by appropriate local regulatory agencies (RWQCB/ DTSC/ DEH) based on the future planned land use of the specific area within the boundaries 	<p>Prior to the issuance of any permit for future development consistent with the new zone program.</p>	<p>City of Encinitas</p>

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	<p>of the site (i.e., commercial, residential), and that the risk to human health of future occupants of these areas therefore has been reduced to below a level of significance.</p> <p>3. The applicant shall obtain written authorization from the appropriate regulatory agency (RWQCB/DTSC/DEH) confirming the completion of remediation. A copy of the authorization shall be submitted to the City to confirm that all appropriate remediation has been completed and that the proposed development parcel has been cleaned up to the satisfaction of the regulatory agency. In the situation where previous contamination has occurred on a site that has a previously closed case or on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the DEH shall be notified of the proposed land use.</p> <p>4. All cleanup activities shall be performed in accordance with all applicable Federal, State, and local laws and regulations, and required permits shall be secured prior to commencement of construction to the satisfaction of the City and compliance with applicable regulatory agencies such as but not limited to the Encinitas Municipal Code.</p>		
<p>Impact HAZ-2: Emissions near a School</p> <p>Significant impacts due to potential emissions or handling of hazardous materials within one-quarter mile of a school were identified for the SMUP Alternative because housing</p>	<p>Refer to mitigation measure HAZ-1 in the previous section.</p>	<p>Prior to the issuance of any permit for future development consistent with the new zone program.</p>	<p>City of Encinitas</p>

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<p>sites may contain unknown subsurface contaminants or may contain hazardous materials within existing structures that could pose a health risk. Because schools are located within 0.25 mile of housing sites as well as the uncertainty of where future schools may be sited in the future, there would be potentially significant impacts associated with hazardous emissions near schools.</p>			
Water Quality			
<p>Impact HYD-1: Flooding/Inundation</p> <p>Potentially significant impacts related to dam inundation and flooding hazards would result under the SMUP Alternative. Specifically, potentially significant dam inundation impacts would occur with development of housing site C-6, and potentially significant impacts related to flood hazard areas at housing sites ALT-2 and ALT-7, would occur (Impact HYD-1) under this alternative.</p>	<p>HYD-1: Applications for future development of housing sites consistent with the new zone program, wherein the City has determined a potential for flooding impacts, shall be reviewed by the City for compliance with applicable components of the City’s Floodplain Management Regulations, specifically Section 23.40.051, which includes standards for construction in areas of special flood hazard. All future development on housing sites consistent with the new zone program, located within mapped flood problem areas or dam inundation areas, shall be designed to reduce potential flooding hazards consistent with sound engineering practices with a preference for low impact development.</p>	<p>Prior to the issuance of any permit for future development consistent with the new zone program.</p>	<p>City of Encinitas</p>

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<p>Land Use</p> <p>Impact LU-2: Neighborhood Compatibility (Noise)</p> <p>Neighborhood compatibility impacts associated with on-site noise generation were identified for the SMUP Alternative because at a program level of analysis it cannot be ensured that each future project would be capable of reducing noise levels to comply with City standards. Thus, significant neighborhood compatibility impacts were identified in association with on-site noise levels (Impact LU-2).</p>	<p>NOS-1: Prior to the issuance of any permit for future development consistent with the new zone program, wherein residential development would be located adjacent to commercial uses, the City shall require a site-specific noise study. The study shall determine if on-site generated noise levels exceed the property line noise level limits in the Noise Ordinance and to present appropriate mitigation measures, which may include, but are not limited to the following:</p> <ul style="list-style-type: none"> • Require the placement of loading and unloading areas so that commercial buildings shield nearby residential land uses from noise generated by loading dock and delivery activities. If necessary, additional sound barriers shall be constructed on the commercial sites to protect nearby noise sensitive uses and hours of delivery shall be limited if determined as needed through the study. • Require the placement of all commercial HVAC machinery to be placed within mechanical equipment rooms wherever possible. • Require the provision of localized noise barriers or rooftop parapets around HVAC, cooling towers, and mechanical equipment so that line-of-sight to the noise source from the property line of the noise sensitive receptors is blocked. 	<p>Prior to the issuance of any permit for future development consistent with the new zone program.</p>	

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<p>Impact LU-3: Noise/Land Use Compatibility</p> <p>Noise – land use compatibility impacts were identified for the SMUP Alternative because housing sites (ALT-2, ALT-7, OE-7, C-1, C-6, NE-1, NE-7, ALT-3, O-3, ALT-4) are located adjacent to roadways or freeways that would generate noise levels greater than the standards established in the City’s General Plan (Impact LU-3).</p>	<p>LU-1: As part of the City’s design review and entitlement process for housing sites, to the extent practicable, the City should avoid siting sensitive exterior areas associated with future residential uses within the 70 L_{dn} exterior traffic noise contour distances to the extent practicable and in consideration of other Zoning Standards and Design Guidelines. If sensitive receptors are to be located within the 70 L_{dn} exterior noise contour, outdoor activity areas shall be shielded from the noise source using site design measures such as building orientation or sound walls to maintain a 70 L_{dn} exterior noise level for noise sensitive exterior areas.</p>	<p>Prior to the issuance of any permit for future development consistent with the new zone program.</p>	<p>City of Encinitas</p>
Noise			
<p>Impact NOS-1: On-Site Generated Noise</p> <p>Future on-site generated noise sources would have the potential to exceed to property line noise levels limits established in the City’s Noise Ordinance due to stationary noise sources such as heating, ventilation and cooling (HVAC) equipment. These impacts would potentially occur for housing sites in the SMUP Alternative. Without detailed operational data, it cannot be verified that future projects implemented in accordance with the HEU would be capable of reducing noise levels to comply with the City’s Noise Ordinance property line standards (Impact NOS-1).</p>	<p>NOS-1: Prior to the issuance of any permit for future development consistent with the new zone program, whereon residential development would be located adjacent to commercial uses, the City shall require site-specific noise studies to determine if on-site generated noise levels exceed the property line noise level limits in the Noise Ordinance and to present appropriate mitigation measures, which may include, but are not limited to the following:</p> <ul style="list-style-type: none"> • Require the placement of loading and unloading areas so that commercial buildings shield nearby residential land uses from noise generated by loading dock and delivery activities. If necessary, additional sound barriers shall be constructed on the commercial sites to protect nearby noise sensitive uses and hours of delivery can be limited if determined as needed through the study. • Require the placement of all commercial HVAC machinery to be placed within mechanical equipment rooms wherever possible. • Require the provision of localized noise barriers or rooftop parapets around HVAC, cooling towers, and 	<p>Prior to the issuance of any permit for future development consistent with the new zone program.</p>	<p>City of Encinitas</p>

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	mechanical equipment so that line-of-sight to the noise source from the property line of the noise sensitive receptors is blocked.		
<p>Impact NOS-2: Temporary Noise</p> <p>Based on an evaluation of average construction noise levels and distances to residential land uses from each housing site, it was determined that significant temporary noise impacts resulting from construction noise would occur if residential land uses are located closer than 110 feet of construction activities. Based on these distances, significant temporary noise impacts due to construction activities were identified at housing sites ALT-2 and ALT-7 for the SMUP Alternative. Average construction noise levels at these housing sites would exceed the limit of 75 dB(A) Leq(8) established in the City's Municipal Code (Impact NOS-2).</p>	<p>NOS-2: Prior to the issuance of future construction permits at the housing sites, a Construction Noise Control Plan shall be submitted to the City's Planning and Building Department for review and approval. The plan shall demonstrate that all construction activity shall be in compliance with noise standards provided in Section 9.32 of the City's Municipal Code. The construction noise control plan can include, but is not limited to, the following:</p> <ul style="list-style-type: none"> • Ensure that construction equipment is properly muffled according to industry standards and is in good working condition. • Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible. • Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources. • Use electric air compressors and similar power tools rather than diesel equipment, where feasible. • Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes. • Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday. No construction is permitted on Sundays or legal holidays. 	<p>Prior to the issuance of any future construction permit consistent with the new zone program.</p>	<p>City of Encinitas</p>

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	<p>Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.</p> <ul style="list-style-type: none"> • Project developers shall require by contract specifications that heavily loaded trucks used during construction would be routed away from residential streets to the extent feasible. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading permit. 		

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<p>Transportation/Traffic</p> <p>Impacts TRF-4, TRF-5, TRF-6, TRF-7, TRF-9, TRF-10, TRF-22, TRF-23, and TRF-26: Circulation System Capacity and Operations</p> <p>The SMUP Alternative would result in six roadway segment impacts (TRF-4 to TRF-7, TRF-9, and TRF-10); two intersection impacts (TRF-22 and TRF-23) and one Freeway ramp impact (TRF-26).</p>	<p>The following improvements would be required to mitigate circulation system capacity and operations impacts for the SMUP Alternative:</p> <p>TRF-4: La Costa Avenue - Between North Coast Highway 101 and Vulcan Avenue Improvement - Provide additional right-of-way and widen La Costa Avenue, between North Coast Highway 101 and Vulcan Avenue, to a 4-Lane Collector.</p> <p>TRF-5: La Costa Avenue - Between Vulcan Avenue and Sheridan Road Improvement - Provide additional right-of-way and widen La Costa Avenue, between Vulcan Avenue and Sheridan Road, to a 4-Lane Collector.</p> <p>TRF-6: La Costa Avenue - Between Sheridan Road and I-5 SB Ramps Improvement -Provide additional right-of-way and widen La Costa Avenue, between Sheridan Road and I-5 SB Ramps, to a 4-Lane Collector.</p> <p>TRF-7: Leucadia Blvd - Between Hymettus Avenue and Orpheus Avenue Improvement - Provide additional right-of-way and widen Leucadia Boulevard, between Hymettus Avenue and Orpheus Avenue, to a 4-Lane Collector.</p> <p>TRF-9: South Rancho Santa Fe Road - Between Manchester Avenue and Encinitas Limits Improvement – SMUP Alternative – Provide additional right-of-way and widen the roadway to 4-Lane Major Roadway which exceeds the roadway classification designation in the currently adopted City of Encinitas Housing Element. The significant impact associated with the SMUP Strategy along this roadway segment would be fully mitigated with the implementation of this measure.</p> <p>TRF-10 :South Rancho Santa Fe Road - Between Encinitas Limits and El Mirlo (County of San Diego) Improvement - Provide additional right-of-way and widen South Rancho Santa Fe</p>	<p>Completion of mitigation measures TRF-27 and TRF-28 would establish programs for funding improvements</p> <p>Funding for improvements (TRF-1 through TRF-26).</p> <p>TRF-27: Within 12 months after the date the HEU becomes effective, City completion of a nexus study and adoption of a HEU fee mitigation program.</p> <p>TRF-28: Within 12 months of the effective date of the HEU, the City shall enter into a Traffic Mitigation Agreement with Caltrans for implementation of the necessary improvements identified in Table</p>	<p>City of Encinitas</p>

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Mitigation Monitoring and Reporting Program

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>Road, City of Encinitas Limits and El Mirlo, to a 2-Lane Community Collector with Improvement Options.</p> <p>TRF-22: Vulcan Avenue at La Costa Avenue (AM and PM) Improvement - Signalize the Vulcan Avenue & La Costa Avenue intersection; or add roundabout or left turn lane as an alternative.</p> <p>TRF-23: Balour Drive at Santa Fe Drive (AM and PM) Improvement - Signalization (CIP Project)</p> <p>TRF-26: I-5 SB On-Ramp at Santa Fe Drive (AM) (Caltrans) Improvement - The City of Encinitas shall coordinate with Caltrans to increase ramp capacity at these impacted on-ramp locations, such improvement could include additional lanes, interchange reconfiguration, etc.</p> <p>TRF-27: Within 12 months after the date the HEU becomes effective, the City shall complete a nexus study and adopt a HEU fee mitigation program, as follows:</p> <p>a) To establish this mitigation program, the City shall identify the costs associated with feasible traffic improvements identified in Table 4.13-21 of the Final EIR, or equally feasible opportunities, such as but not limited to local transit in conjunction with local transit agency providers and roundabouts as traffic mitigation. Once the costs are established, the City shall undertake a nexus study to identify how the funds will be collected on a per project basis (e.g., by trip generated, unit, etc.). Costs funded may include program administration, project administration and management, design and engineering, regulatory compliance, and construction. The nexus study will also evaluate additional improvements for multimodal facilities, including transit capital, and operations and maintenance costs.</p>	<p>4.13-21 (Impacts TRF-1 through TRF-26).</p>	

EXHIBIT C TO RESOLUTION NO. 2016-51 *(supersedes the document in EIR)*
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	<p>b) Once the HEU traffic mitigation program is established, each project shall contribute its fair share of the traffic improvements as identified in the program prior to Certificate of Occupancy Permit.</p> <p>c) The City shall deposit the funds in a specific account dedicated for the use of completing the improvements identified in the HEU traffic mitigation program. The funds shall be used exclusively for the purpose of implementing mitigation for the impacts associated with buildout of the HEU; however, upon completion of a citywide nexus study, this program could include additional improvements related to multi-modal facilities as well.</p> <p>d) The City shall complete an annual public report on the HEU traffic mitigation program within 180 days of the completion of the fiscal year pursuant to the Mitigation Fee Act (California Government Code Section 66000 et seq.).</p> <p>TRF-28: Within 12 months of the effective date of the HEU, the City shall enter into a Traffic Mitigation Agreement with Caltrans for implementation of the necessary improvements identified in Table 4.13-21 of the Final EIR. Payment of fair-share fees shall be determined based on the increase in freeway traffic directly attributable buildout of the HEU.</p>		