

4.3 Biological Resources

This section describes existing biological resources on and adjacent to the housing sites in terms of vegetation communities and sensitive species. Information presented in this section was obtained from existing aerial maps, the Final Existing Conditions Report (City of Encinitas 2010a), the California Natural Diversity Data Base (CNDDDB), the North County Multiple Habitat Conservation Program (MHCP), and additional secondary source documentation, as available (City of Encinitas 2010b, State of California 2015a; San Diego Association of Governments [SANDAG] 2003; City of Encinitas 2015a).

4.3.1 Existing Conditions

4.3.1.1 Botanical Resources

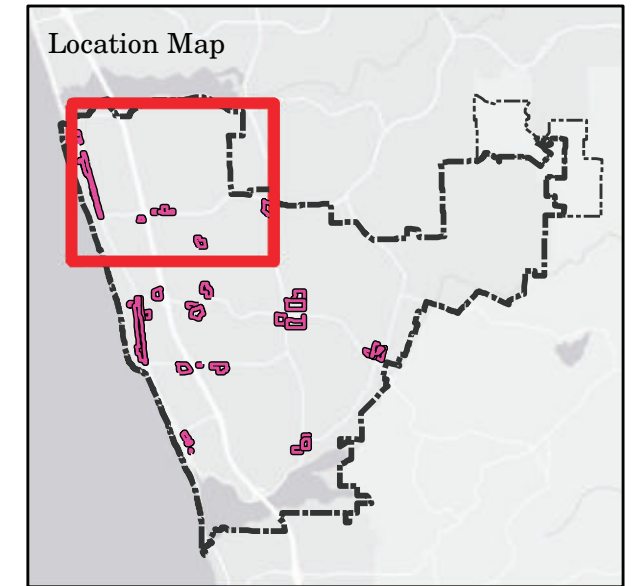
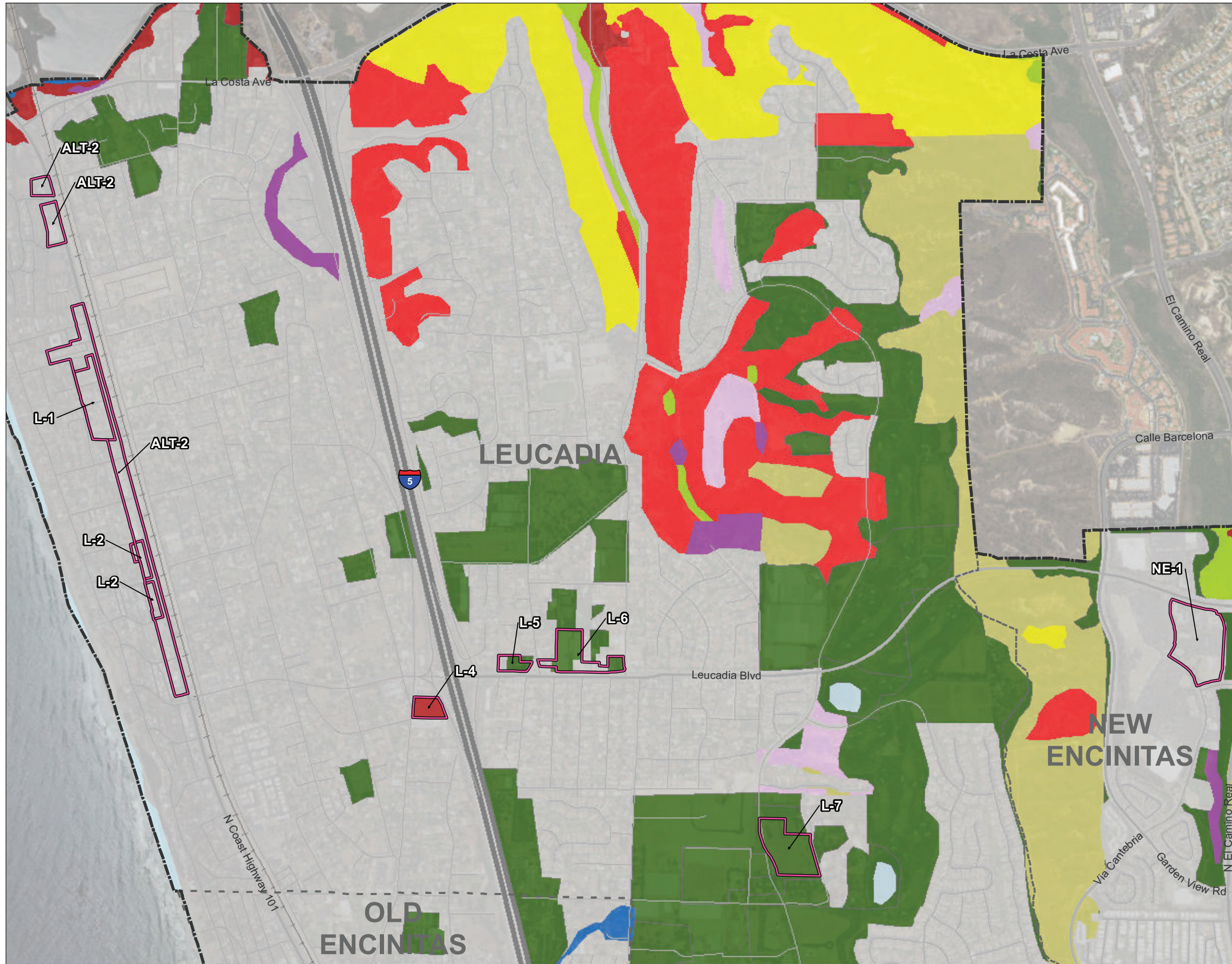
Vegetation community descriptions are based on the San Diego County terrestrial vegetation community descriptions. For ease of discussion, vegetation communities are combined into habitat groups as specified in the MHCP (SANDAG 2003). Figure 4.3-1a-d illustrates the vegetation communities and land cover types mapped within the housing sites. The vegetation mapping is based on regional, large-scale mapping efforts conducted by SanGIS in 1995 for the Multiple Species Conservation Program. This mapping was subsequently updated to account for new development based on aerial photography by Technology Associates International Corporation (TAIC) in 2010 and in 2015 by RECON based on aerial imagery, field verification, and subsequent surveys (REC Consultants 2015; Dudek 2005). However, the vegetation data contained herein is only intended for use as a tool, as site-specific surveys were not conducted in conjunction with this PEIR.

a. Coastal Sage Scrub

Coastal sage scrub is composed of low-growing, drought-deciduous shrubs. The Diegan form of this community is typically found on low moisture-availability sites with steep, xeric slopes or clay rich soils that are slow to release stored water and is dominated by California sagebrush, coastal California buckwheat, laurel sumac, and white sage. This vegetation community is identified within sites O-4.

b. Southern Maritime Chaparral

Southern maritime chaparral is a low-growing, open shrub-dominated community found on sandy soils within areas influenced by coastal fog. This community is typically dominated by wart-stemmed ceanothus and Del Mar manzanita. This vegetation community is identified within housing site OE-7.



- City Limits
 - Sphere of Influence
 - Community Area Boundaries
 - Housing Sites
- Vegetation Communities and Land Cover Types**
- Agricultural Land
 - Chaparral
 - Coastal Sage Scrub
 - Disturbed Land
 - Eucalyptus Woodland
 - Annual Grasslands
 - Riparian
 - Southern Maritime Chaparral
 - Developed
 - Water
 - Wetland

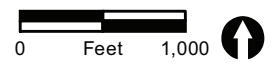
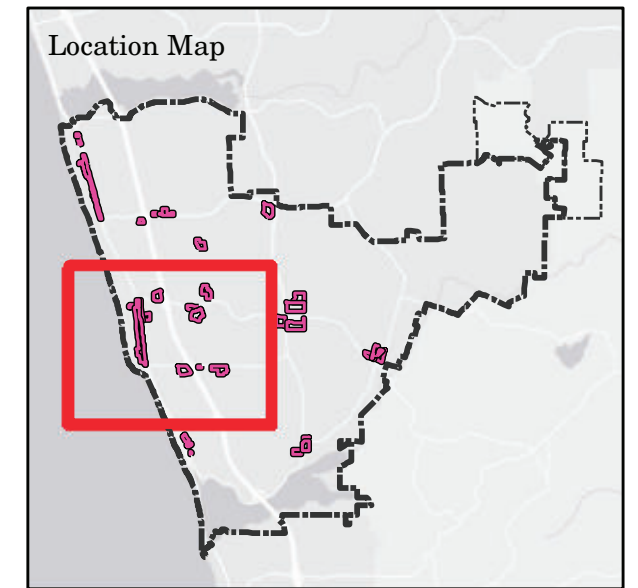


FIGURE 4.3-1a
Existing Vegetation Communities and Land Cover Types in the HEU Housing Sites



- City Limits
 - Sphere of Influence
 - Community Area Boundaries
 - Housing Sites
- Vegetation Communities and Land Cover Types**
- Agricultural Land
 - Chaparral
 - Coastal Sage Scrub
 - Disturbed Land
 - Eucalyptus Woodland
 - Annual Grasslands
 - Riparian
 - Southern Maritime Chaparral
 - Developed
 - Water
 - Wetland

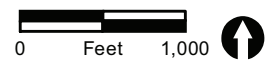
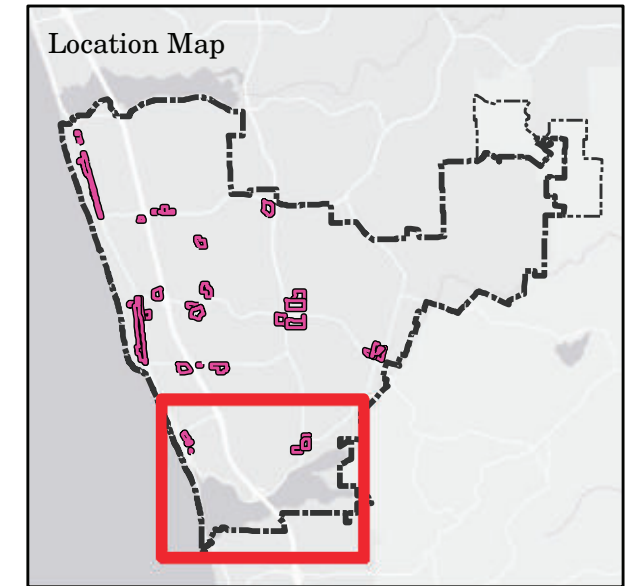
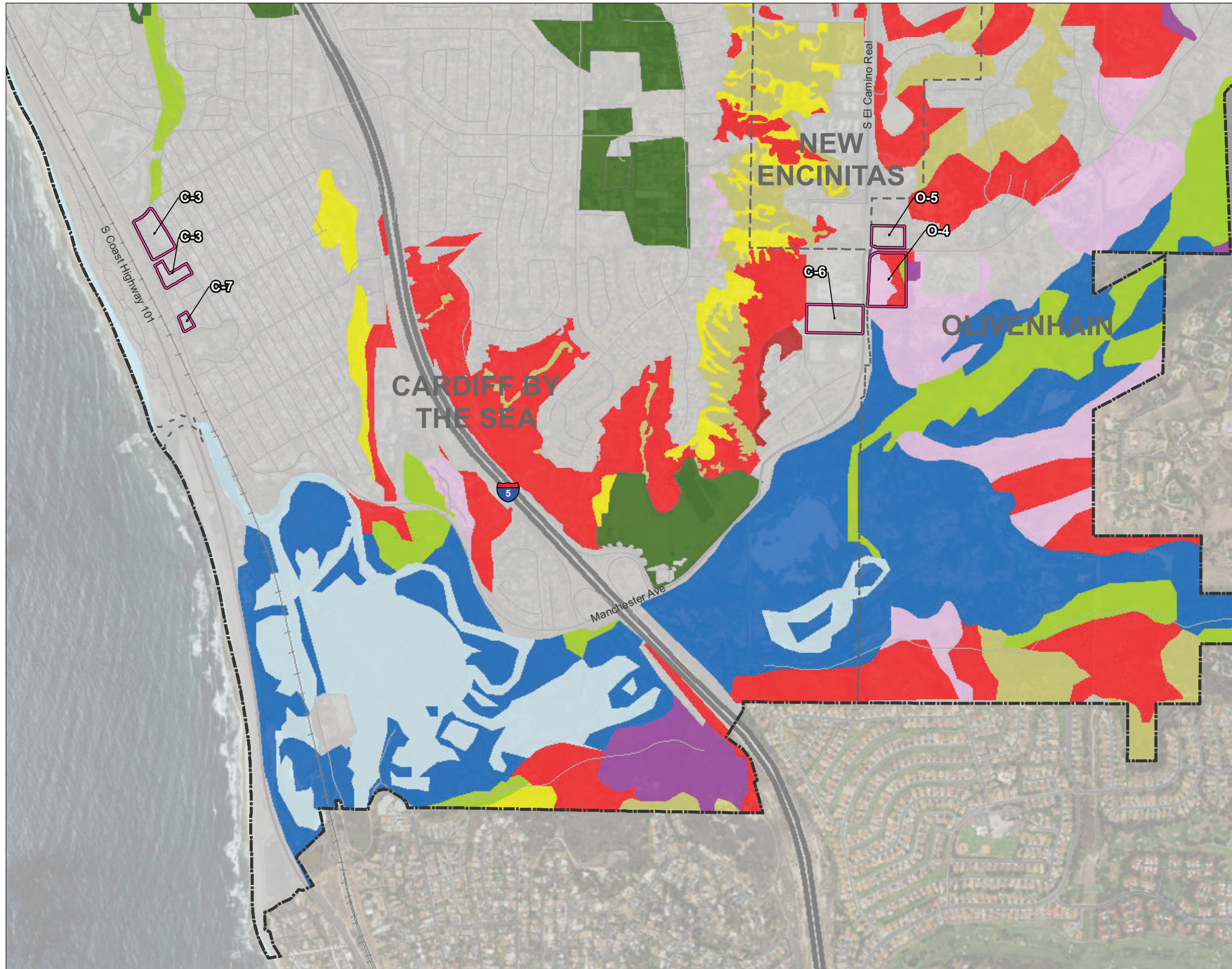


FIGURE 4.3-1b
Existing Vegetation Communities and Land Cover Types in the HEU Housing Sites



- City Limits
 - Sphere of Influence
 - Community Area Boundaries
 - Housing Sites
- Vegetation Communities and Land Cover Types**
- Agricultural Land
 - Chaparral
 - Coastal Sage Scrub
 - Disturbed Land
 - Eucalyptus Woodland
 - Annual Grasslands
 - Riparian
 - Southern Maritime Chaparral
 - Developed
 - Water
 - Wetland

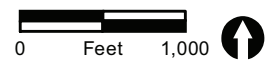
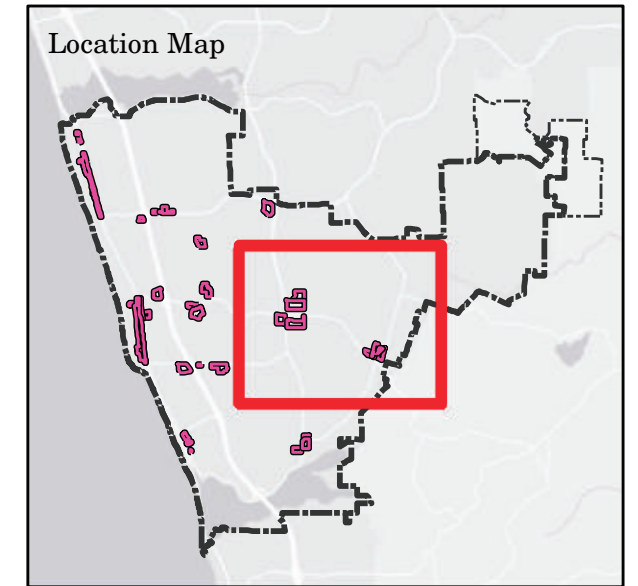
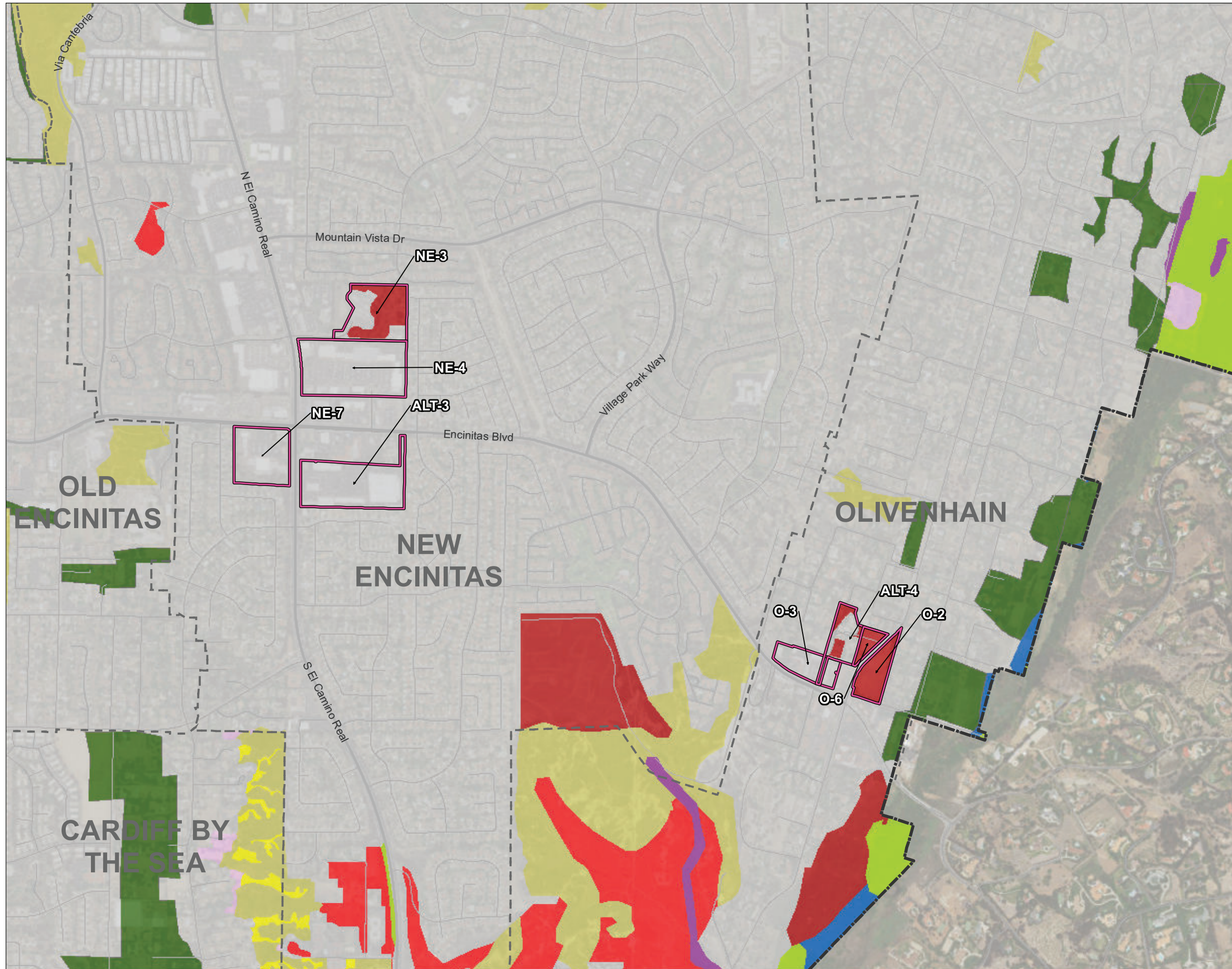


FIGURE 4.3-1c
Existing Vegetation Communities and Land Cover Types in the HEU Housing Sites



- City Limits
 - Sphere of Influence
 - Community Area Boundaries
 - Housing Sites
- Vegetation Communities and Land Cover Types**
- Agricultural Land
 - Chaparral
 - Coastal Sage Scrub
 - Disturbed Land
 - Eucalyptus Woodland
 - Annual Grasslands
 - Riparian
 - Southern Maritime Chaparral
 - Developed
 - Wetland

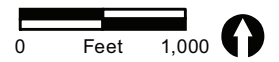


FIGURE 4.3-1d
Existing Vegetation Communities and Land Cover Types in the HEU Housing Sites

c. Annual Grasslands

Annual grassland may consist of native and/or non-native grassland. Native grasslands often have a large component of non-native grasses, but are typically distinguished as native grasslands if the percent cover by native grass species is 20 percent or greater (City of San Diego 2012). Native grassland typically contains tussocks formed from native perennial bunchgrasses, such as needlegrass. Native and non-native annuals may occur within the interspaces of the native bunchgrasses, exceeding the bunchgrasses in cover. Non-native grassland is characterized by a dense to sparse cover of annual grasses reaching to three feet high, although other native and non-native plant species may be intermixed. Typically, annual non-native grasses make up a minimum of 50 percent cover of the entire herbaceous layer (City of San Diego 2012). Non-native grasses may include, but are not limited to, bromes, wild oats, and ryegrass. Grassland is identified within site O-4.

d. Wetland/Riparian

Wetland

Wetland vegetation communities may be composed of the following vegetation communities identified in the MHCP: southern coastal salt marsh, alkali marsh, freshwater marsh, and/or disturbed wetland. Wetlands occur in areas that receive permanent or periodic inundation, and are typically dominated by hydrophytic plant species. They may also contain soils that contain morphological characteristics that indicate saturation. Wetlands may occur in channels, floodplains, seeps, springs, and along the margins of open bodies of freshwater (e.g., ponds, lakes). Wetlands are identified within the northern portion of housing site OE-1.

Riparian

Riparian vegetation communities may be composed of the following vegetation communities identified in the MHCP: riparian forest, riparian woodland, and/or riparian scrub. Riparian communities are typically associated with ephemeral and perennial streams and drainages. Riparian forests are typically densely vegetated by riparian tree species, with dense shrubs or herbaceous vegetation in the understory. Riparian woodland is characterized by a more open canopy of riparian trees and shrubs. Characteristic tree species of riparian woodland and forests include sycamores, cottonwoods, oaks, and willows. Riparian scrub is characterized by dense thickets of small riparian trees and shrubs, and typically lack taller riparian trees. Characteristic riparian scrub species include willows and mule fat. Riparian vegetation communities are identified within sites O-4, O-5, and OE-2.

e. Other Lands

Agricultural Land

Agricultural land may be defined broadly as land used primarily for production of food and fiber. This may include intensive agriculture uses such as nurseries and greenhouses or extensive agriculture such as pastures. A more detailed description of agricultural land

occurring within the City is discussed in Section 4.9, Land Use. Agricultural land is identified within sites L-5, L-6, and L-7.

Disturbed Land

Disturbed land consists of areas that have been previously disturbed and no longer function as a native or naturalized vegetation community. Vegetation, if present, is dominated by opportunistic non-native forb species. Vegetation may also include ornamental species. A limited amount of non-native grass species may also occur, but do not dominate vegetative cover. Disturbed land is identified within sites ALT-4, ALT-5, L-4, NE-3, O-2, and O-6.

f. Developed

Developed land includes areas that contain buildings, paved roads, parking lots, and/or landscaping. This land cover type comprises a majority of the housing sites, as the City is highly developed. Developed land is identified within sites 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-8, and CBHMG-1.

4.3.1.2 Sensitive Vegetation Communities

Sensitive vegetation communities are communities that are of highly limited distribution, and are those identified by the MHCP and/or those considered sensitive by resource agencies (i.e., California Department of Fish and Wildlife [CDFW] and the United States Fish and Wildlife Service [USFWS]) (SANDAG 2003). Reasons for the sensitive status of vegetation communities include restricted range, cumulative losses throughout the region, and a high number of endemic sensitive plant and wildlife species that occur in the vegetation communities. These communities are considered sensitive whether or not they have been disturbed. Sensitive vegetation communities identified within the housing sites are described below. Housing sites with previously mapped sensitive vegetation communities or with the potential to contain sensitive vegetation communities are shown in Table 4.3-1.

| Table 4.3-1 Housing Sites Identified as Containing or with Potential to Contain Sensitive Vegetation Communities | | |
|---|--|---|
| Housing Site | Previously Recorded Sensitive Vegetation ¹ | Potential for Sensitive Vegetation Communities? ² |
| ALT-2 | - | - |
| ALT-3 | - | - |
| ALT-4 | - | Yes |
| ALT-5 | - | Yes |
| ALT-6 | - | - |
| ALT-7 | - | - |
| C-1 | - | - |
| C-2 | - | - |
| C-3 | - | - |
| C-6 | - | Yes |
| C-7 | - | - |
| L-1 | - | - |
| L-2 | - | - |
| L-4 | - | Yes |
| L-5 | - | - |
| L-6 | - | - |
| L-7 | - | Yes |
| NE-1 | - | - |
| NE-3 | - | Yes |
| NE-4 | - | - |
| NE-7 | - | - |
| O-2 | - | Yes |
| O-3 | - | - |
| O-4 | Coastal sage scrub, annual grassland, and riparian | Yes |
| O-5 | Riparian | Yes |
| O-6 | - | Yes |
| OE-1 | Wetland | Yes |
| OE-2 | Riparian | Yes |
| OE-4 | - | - |
| OE-5 | - | - |
| OE-7 | Southern maritime chaparral | Yes |
| OE-8 | - | - |
| CBHMG-1 | - | - |
| NOTE: Housing sites indicated with a 'yes' would require future study in accordance with existing programs and policies. | | |
| ¹ Based on SanGIS mapping (SanGIS 1995) as modified by TAIC and RECON. | | |
| ² Based on field observations conducted by RECON on June 25, 2015. | | |

a. Coastal Sage Scrub

Coastal sage scrub, in pristine or disturbed condition, is considered sensitive by Federal and State resource agencies due to the scarcity of this vegetation community and the

number of sensitive species associated with it. Due to the importance of this vegetation community to MHCP species, including the coastal California gnatcatcher, impacts to habitat located on housing sites should be minimized as much as possible. The State Natural Community Conservation Plan (NCCP) guidelines and the Section 4(d) Special Rule of the Endangered Species Act (ESA) pertaining to the coastal California gnatcatcher apply to Diegan coastal sage scrub.

b. Annual Grasslands

Directly and indirectly, grasslands are key to conservation of a large number of MHCP species, including a variety of narrow endemic species. They provide foraging habitat for raptors and provide movement corridors and habitat linkages that are critical to the MHCP preserve configuration. Non-native grassland is considered less valuable than native grassland, but still provides foraging habitat for raptors and may support a variety of rare plant and animal species.

c. Wetlands/Riparian

All wetland/riparian vegetation communities are considered sensitive by Federal and State resource agencies. These communities are regulated by U.S. Army Corps of Engineers (USACE), CDFW, Regional Water Quality Control Board (RWQCB), California Coastal Commission (CCC), and/or USFWS, depending upon the location and characteristics of the vegetation, soils, and hydrology present. Site-specific analysis would be required for future development to determine what agencies would have regulatory authority.

4.3.1.3 Sensitive Species

For purposes of this EIR, a species is considered sensitive if it is: (1) a narrow endemic or covered species under the MHCP; (2) listed by State or Federal agencies as threatened or endangered or are proposed for listing (State of California 2015b, 2015c, 2015d); or (3) on California Rare Plant Rank 1B (considered endangered throughout its range) or California Rare Plant Rank 2 (considered endangered in California but more common elsewhere) of the CNPS Inventory of Rare and Endangered Vascular Plants of California ([Inventory]; 2014). Noteworthy plant species are considered to be those that are on California Rare Plant Rank 3 (more information about the plant's distribution and rarity needed) and California Rare Plant Rank 4 (plants of limited distribution) of the CNPS Inventory (2014).

The sensitive plant and wildlife species below are known to occur within the vicinity of the undeveloped housing sites based on information obtained from a records search of the California Natural Diversity Database, SanBIOS, and USFWS databases. Housing sites that are comprised completely of developed land and/or intensive agriculture were excluded. Precise locations of sensitive plant and wildlife species are not known at this time and would be identified through on-site reconnaissance and project-level analysis in conjunction with future development.

a. Sensitive Plants

A total of 12 sensitive plant species are known to historically occur within the vicinity of the undeveloped housing sites. These plants and their status are summarized in Appendix *, and include the following:

Federal and/or State Listing

1. Encinitas baccharis
2. San Diego thornmint
3. Orcutt's spineflower

CNPS Rare Plant Ranking of 1B, 2, 3, or 4

4. Orcutt's pincushion
5. Decumbent goldenbush
6. Sea-dahlia
7. Nuttall's lotus
8. Short-lobed broom-rape
9. Coast woolly-heads
10. California adolphia
11. Wart-stemmed ceanothus
12. Lewis's evening primrose

Housing sites that are undeveloped or have a substantial portion of the site unimproved may have potential to support sensitive plant species. Therefore, the following housing sites are considered to have potential for sensitive plants to occur on-site: 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.

b. Sensitive Wildlife

A total of 9 sensitive wildlife species are known to historically occur within the vicinity of the undeveloped housing sites. These wildlife species and their status are summarized in Appendix *, and include the following:

Federal and/or State Listing

1. Coastal California gnatcatcher
2. Least Bell's vireo
3. Belding's savannah sparrow
4. Pacific pocket mouse

State Species of Special Concern

5. Coastal cactus wren
6. Cooper's hawk
7. Mexican long-tongued bat

8. pocketed free-tailed bat
9. northwestern San Diego pocket mouse

Housing sites that are undeveloped or have a substantial portion of the site unimproved may have potential to support sensitive wildlife species. Therefore, the following housing sites are considered to have potential to contain sensitive wildlife: 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.

Additionally, riparian habitat, which has potential to support least Bell's vireo, was mapped by SanGIS (1995) or identified by RECON on June 25, 2015, within or adjacent to the following housing sites: ALT-7, NE-1, O-4, O-5, and OE-2. Housing sites ALT-7 and NE-1 are considered developed; however, portions of these housing sites were identified by RECON during a site visit on June 25, 2015, as being located within 300 feet of riparian habitat that may support least Bell's vireo. Housing sites O-4, O-5, and OE-2 are identified as containing riparian habitat by SanGIS (1995) and, thus, have the potential to support least Bell's vireo.

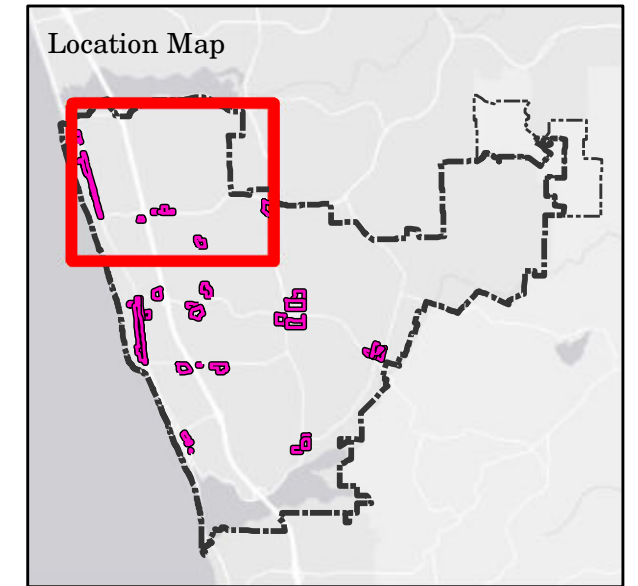
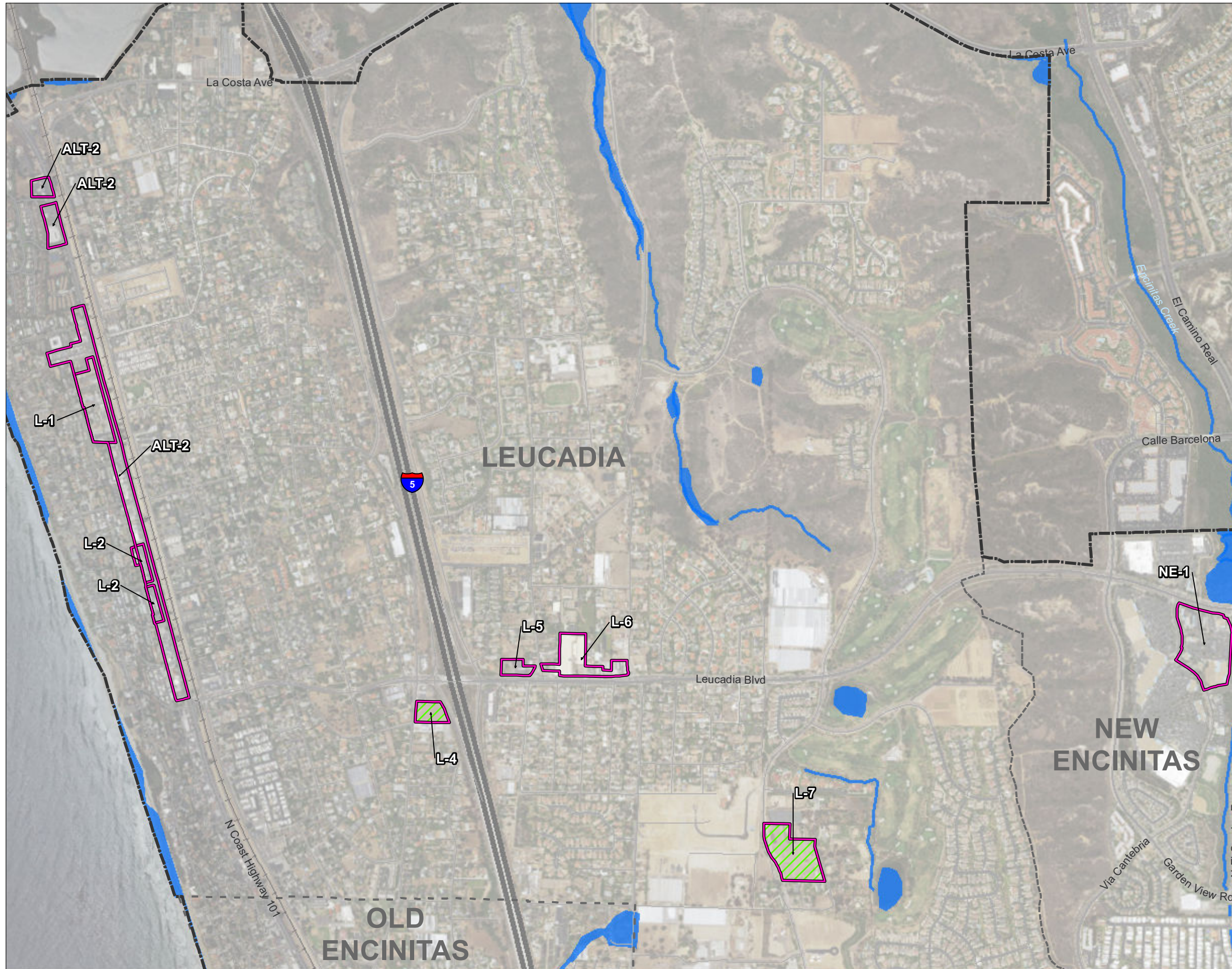
Lastly, the following developed and undeveloped housing sites have the potential to contain nesting or migratory bird species, including raptors, due to the presence of mature trees and/or native vegetation: ALT-2, ALT-4, ALT-5, ALT-7, C-2, C-6, CBHMG-1, L-4, L-5, L-7, NE-1, NE-3, NE-4, NE-7, O-2, O-3, O-4, O-5, O-6, OE-1, OE-2, and OE-7.

4.3.1.4 Jurisdictional Waters

As shown on Figure 4.3-2a-d, housing sites ALT-5, O-4, O-5, OE-1, and OE-2 have been mapped as containing a wetland or water resource (City of Encinitas 2015a). Escondido Creek occurs within the eastern boundary of O-4 and northeastern boundary of O-5. Cottonwood Creek occurs within the northern boundary of OE-1 and northwestern boundary of OE-2. Additionally, housing sites ALT-7 and NE-1 are identified as being located directly adjacent to streams (City of Encinitas 2015a).

Housing sites that are undeveloped or have a substantial portion of the site unimproved may have the potential to contain unmapped jurisdictional wetlands or waters. In addition to the housing sites listed previously, the following housing sites with potential for unmapped jurisdictional wetlands or waters to occur on-site include: ALT-4, C-6, L-4, L-7, NE-3, O-2, O-6, and OE-7. Housing sites identified as containing, or with the potential to contain jurisdictional wetlands or waters are shown in Table 4.3-2.

All wetland areas, wetland buffer areas, and non-wetland waters of the U.S. are considered sensitive. Wetland resources within the City are regulated by USACE, CDFW, RWQCB, the CCC, and the MHCP's Wetlands Protection Program. The respective role each agency plays with respect to wetland resources is described in Section 4.3.2, Regulatory Framework.



- City Limits
- Sphere of Influence
- Community Area Boundaries
- Housing Sites
- Potential for Unmapped Wetlands and Waters
- Previously Mapped Wetlands and Waters
- Previously Mapped Wetlands and Waters

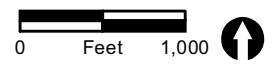
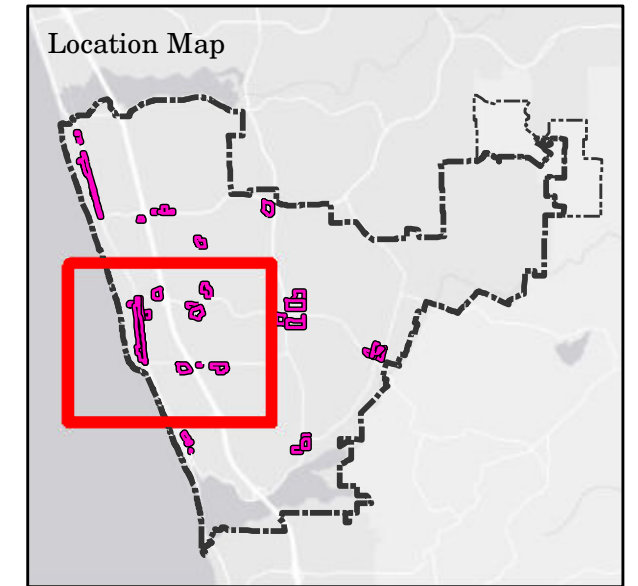
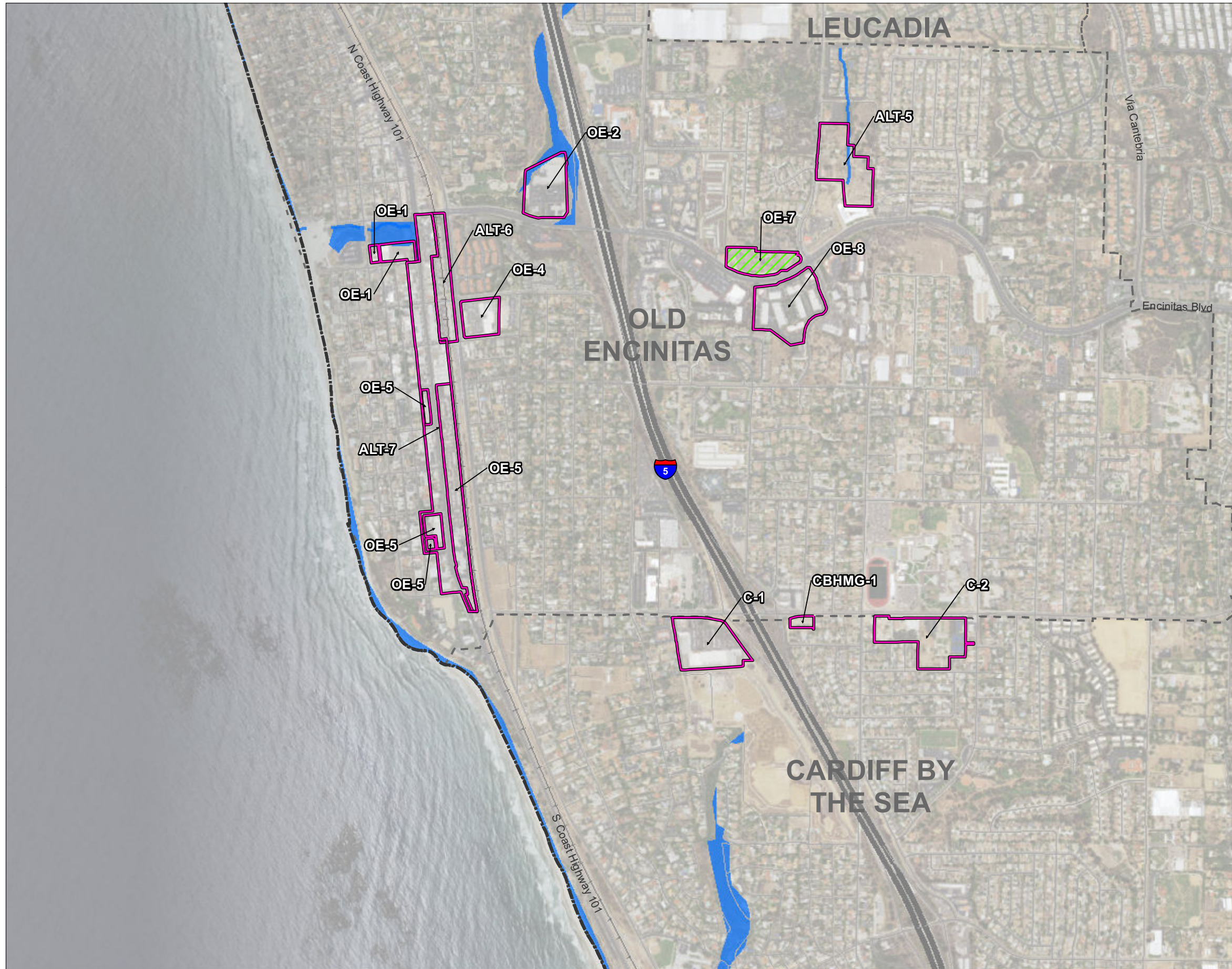









FIGURE 4.3-2a
Potential Jurisdictional Wetlands and Waters in the HEU Housing Sites



-  City Limits
-  Sphere of Influence
-  Community Area Boundaries
-  Housing Sites
-  Potential for Unmapped Wetlands and Waters
-  Previously Mapped Wetlands and Waters
-  Previously Mapped Wetlands and Waters

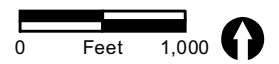
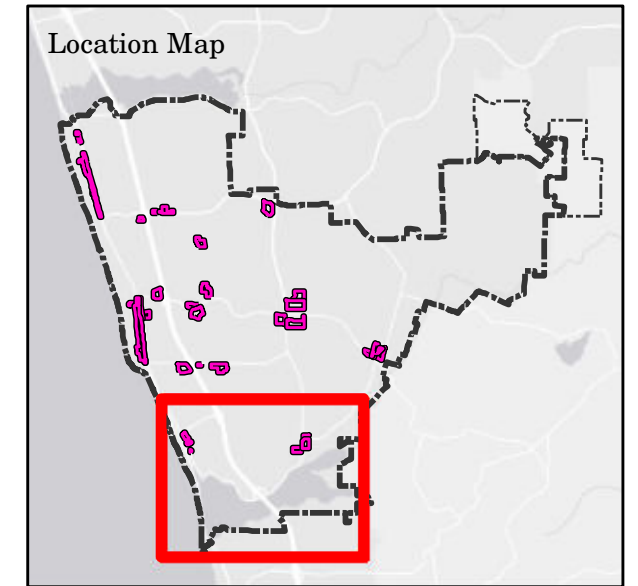
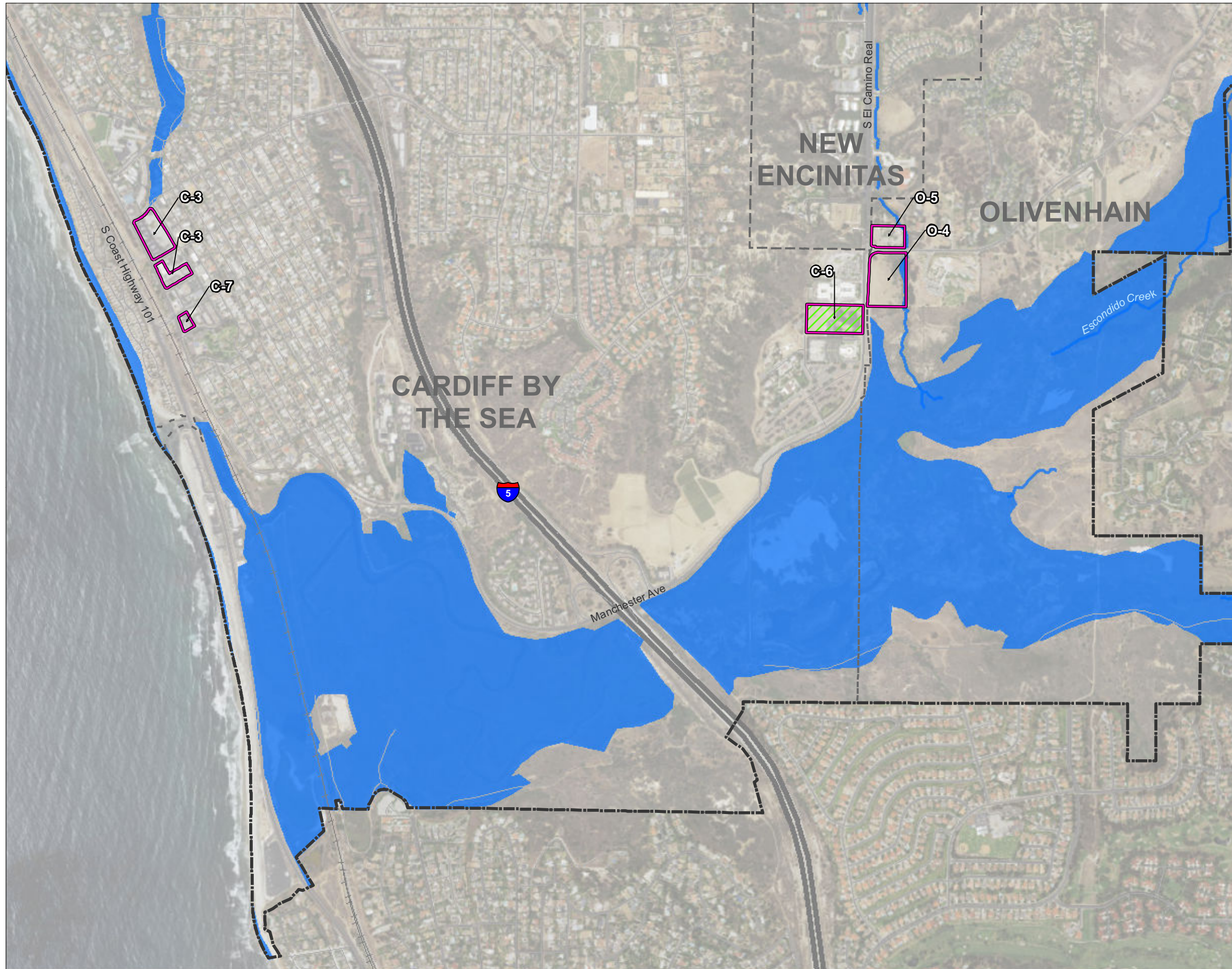









FIGURE 4.3-2b
Potential Jurisdictional Wetlands
and Waters in the HEU Housing Sites



-  City Limits
-  Sphere of Influence
-  Community Area Boundaries
-  Housing Sites
-  Potential for Unmapped Wetlands and Waters
-  Previously Mapped Wetlands and Waters
-  Previously Mapped Wetlands and Waters

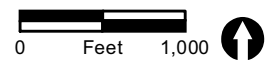
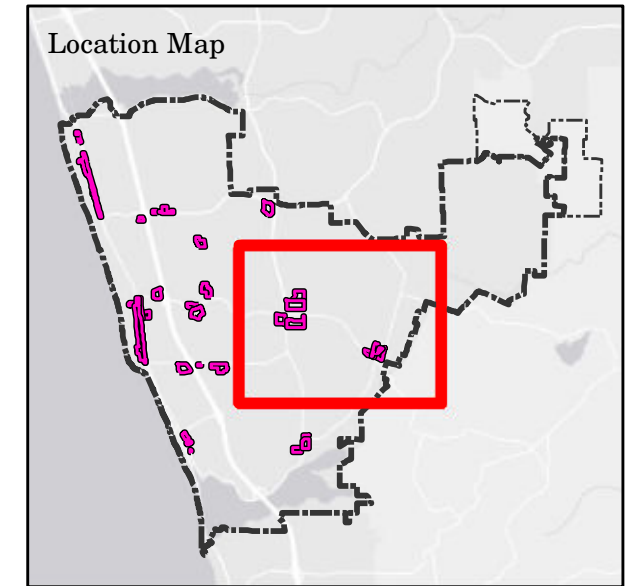
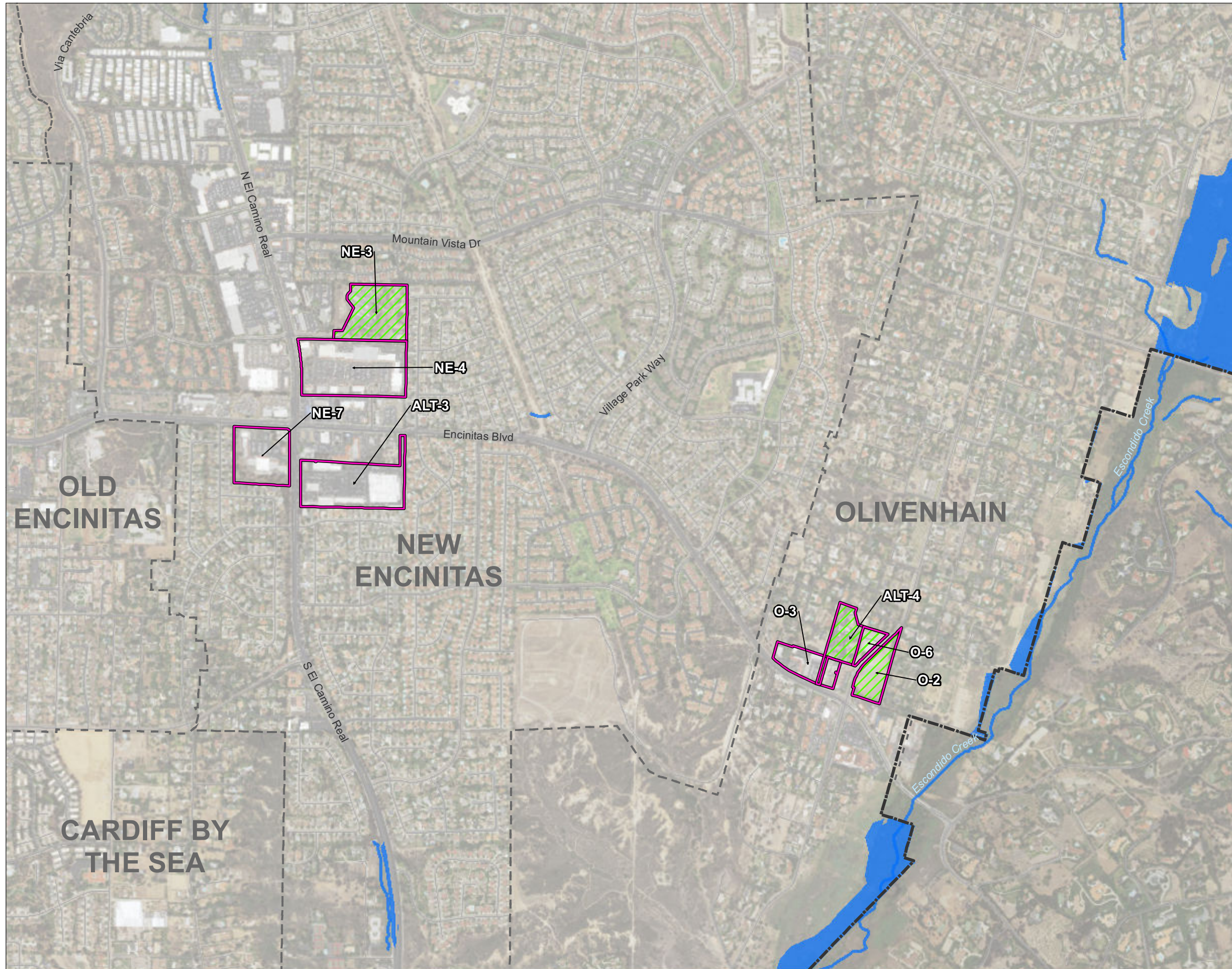


FIGURE 4.3-2c
Potential Jurisdictional Wetlands
and Waters in the HEU Housing Sites



- City Limits
- Sphere of Influence
- Community Area Boundaries
- Housing Sites
- Potential for Unmapped Wetlands and Waters
- Previously Mapped Wetlands and Waters
- Previously Mapped Wetlands and Waters

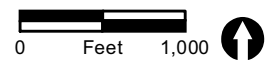


FIGURE 4.3-2d
Potential Jurisdictional Wetlands
and Waters in the HEU Housing Sites

**Table 4.3-2
Housing Sites Identified as Containing or with Potential to Contain
Jurisdictional Wetlands or Waters**

| Housing Site | Previously Recorded Wetlands or Waters ¹ | Potential for Unmapped Jurisdictional Wetlands or Waters? ² |
|--------------|---|--|
| ALT-2 | - | - |
| ALT-3 | - | - |
| ALT-4 | - | Yes |
| ALT-5 | Yes | - |
| ALT-6 | - | - |
| ALT-7 | - | - |
| C-1 | - | - |
| C-2 | - | - |
| C-3 | - | - |
| C-6 | - | Yes |
| C-7 | - | - |
| L-1 | - | - |
| L-2 | - | - |
| L-4 | - | Yes |
| L-5 | - | - |
| L-6 | - | - |
| L-7 | - | Yes |
| NE-1 | - | - |
| NE-3 | - | Yes |
| NE-4 | - | - |
| NE-7 | - | - |
| O-2 | - | Yes |
| O-3 | - | - |
| O-4 | Yes | - |
| O-5 | Yes | - |
| O-6 | - | Yes |
| OE-1 | Yes | - |
| OE-2 | Yes | - |
| OE-4 | - | - |
| OE-5 | - | - |
| OE-7 | - | Yes |
| OE-8 | - | - |
| CBHMG-1 | - | - |

NOTE: Housing sites indicated with a 'yes' would require future study in accordance with existing programs and policies.
¹Based on City mapping (City of Encinitas 2015a).
²Based on field observations conducted by RECON on June 25, 2015.

4.3.1.5 Wildlife Movement and Corridors

Habitat linkages and wildlife corridors are defined as areas that connect suitable wildlife habitat in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provide corridors for wildlife travel. Habitat linkages and wildlife corridors are important because they provide access to mates, food, and water; allow the dispersal of

individuals away from high population density areas; and facilitate the exchange of genetic traits between populations. Wildlife movement corridors are considered sensitive by resource and conservation agencies.

A majority of the housing sites are of limited value for wildlife movement and corridors due to existing residential and commercial development. The following housing sites are, in part, adjacent to undeveloped land; however, they are not identified as regionally significant wildlife corridors by the Encinitas Subarea Plan (2001): ALT-4, ALT-5, C-6, C-7, NE-1, O-2, O-4, O-6, and OE-1. However, these sites do not connect suitable wildlife habitat areas as they are fragmented by roads and other development. Although these housing sites may provide for local wildlife movement, these housing sites are primarily constrained by roads and development and would not be located within a significant regional wildlife movement corridor.

However, one housing site, O-4, is located within a focused planning area identified by the Encinitas Subarea Plan (2001). Though housing site O-4 is constrained by development and roads to the north and south, it is traversed by Escondido Creek along the eastern boundary of the site. This area of Escondido Creek is identified as a biological resource and core linkage by the Encinitas Subarea Plan (2001), and thus is considered a significant regional wildlife corridor. However, this area is permanently conserved in open space by a conservation easement, and thus is not considered developable area.

4.3.2 Regulatory Framework

Several Federal, State, and local regulations govern impacts associated with biological resources. The following is a summary of the regulatory framework that provides the context for preservation of biological resources within the City.

4.3.2.1 Federal

a. Federal Endangered Species Act

The Federal Endangered Species Act of 1973, as amended, 16 United States Code (U.S.C.) 1531 et seq., provides for listing of endangered and threatened species of plants and animals and designation of critical habitat for listed animal species. The ESA also prohibits all persons subject to U.S. jurisdiction from “taking” endangered species, which includes any harm or harassment. Section 7 of the ESA requires that Federal agencies, prior to project approval, consult with USFWS and/or the National Marine Fisheries Service (NMFS) to ensure adequate protection of listed species that may be affected by the project.

b. Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.) is a Federal statute that implements treaties with several countries on the conservation and protection of migratory birds. The number of bird species covered by the MBTA is extensive and is listed at 50 Code of Federal Regulations (CFR) 10.13. The regulatory definition of “migratory bird” is broad

and includes any mutation or hybrid of a listed species and includes any part, egg or nest of such bird (50 CFR 10.12). Migratory birds are not necessarily sensitive species, such as federally listed endangered or threatened birds under the ESA. The MBTA, which is enforced by USFWS, makes it unlawful “by any means or in any manner, to pursue, hunt, take, capture, [or] kill” any migratory bird, or attempt such actions, except as permitted by regulation. The applicable regulations prohibit the take, possession, import, export, transport, sale, purchase, barter or offering of these activities, except under a valid permit or as permitted in the implementing regulations (50 CFR 21.11).

c. Clean Water Act of 1972

The purpose of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of all waters of the U.S. .In accordance with Section 404 of the Clean Water Act (CWA), USACE regulates the discharge of dredged or fill material into waters of the U.S. Permitting is required for filling waters of the U.S. (including wetlands). Permits may be issued on an individual basis, or may be covered under approved nationwide permits. The term “waters of the United States” is defined as:

- All waters currently used, or used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide;
- All interstate waters including interstate wetlands;
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes or natural ponds; the use, degradation, or destruction of which could affect foreign commerce including any such waters: (1) which could be used by interstate or foreign travelers for recreational or other purposes; or (2) from which fish or shell fish are, or could be taken and sold in interstate or foreign commerce; or (3) which are used or could be used for industries in interstate commerce.
- All other impoundments of waters otherwise as defined as waters of the United States under the definition;
- Tributaries of waters identified above;
- The territorial seas; and
- Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in the paragraphs above.

4.3.2.2 State

a. California Endangered Species Act

Similar to the Federal ESA, the California ESA provides protection to species considered threatened or endangered by the State of California. The California ESA recognizes the importance of threatened and endangered fish, wildlife and plant species and their

habitats, and prohibits the taking of any endangered, threatened or rare plant and/or animal species unless specifically permitted for education or management purposes.

b. California Fish and Game Code, Section 1600

Under Section 1602 of the Fish and Game Code, CDFW regulates activities that would divert or obstruct the natural flow of or substantially change the bed, channel, or bank of any river, stream, or lake that supports fish or wildlife. CDFW has jurisdiction over riparian habitats (e.g., southern willow scrub) associated with watercourses. Jurisdictional waters are delineated by the outer edge of riparian vegetation or at the top of the bank of streams or lakes, whichever is wider. CDFW jurisdiction does not include tidal areas or isolated resources.

c. California Coastal Act of 1976 (California Public Resources Code 30000 et seq.)

The California Coastal Act of 1976 (California Public Resources Code 30000 et seq.), defines wetlands as “lands within the coastal zone which may be covered periodically or permanently with shallow water” (California Public Resources Code Division 20, Section 30121). Among other requirements, Section 30233 of the Coastal Act identifies eight situations where coastal zone wetlands may be disturbed. This section also recommends that a proposed project be the least environmentally damaging feasible alternative, and that feasible and appropriate mitigation measures be imposed.

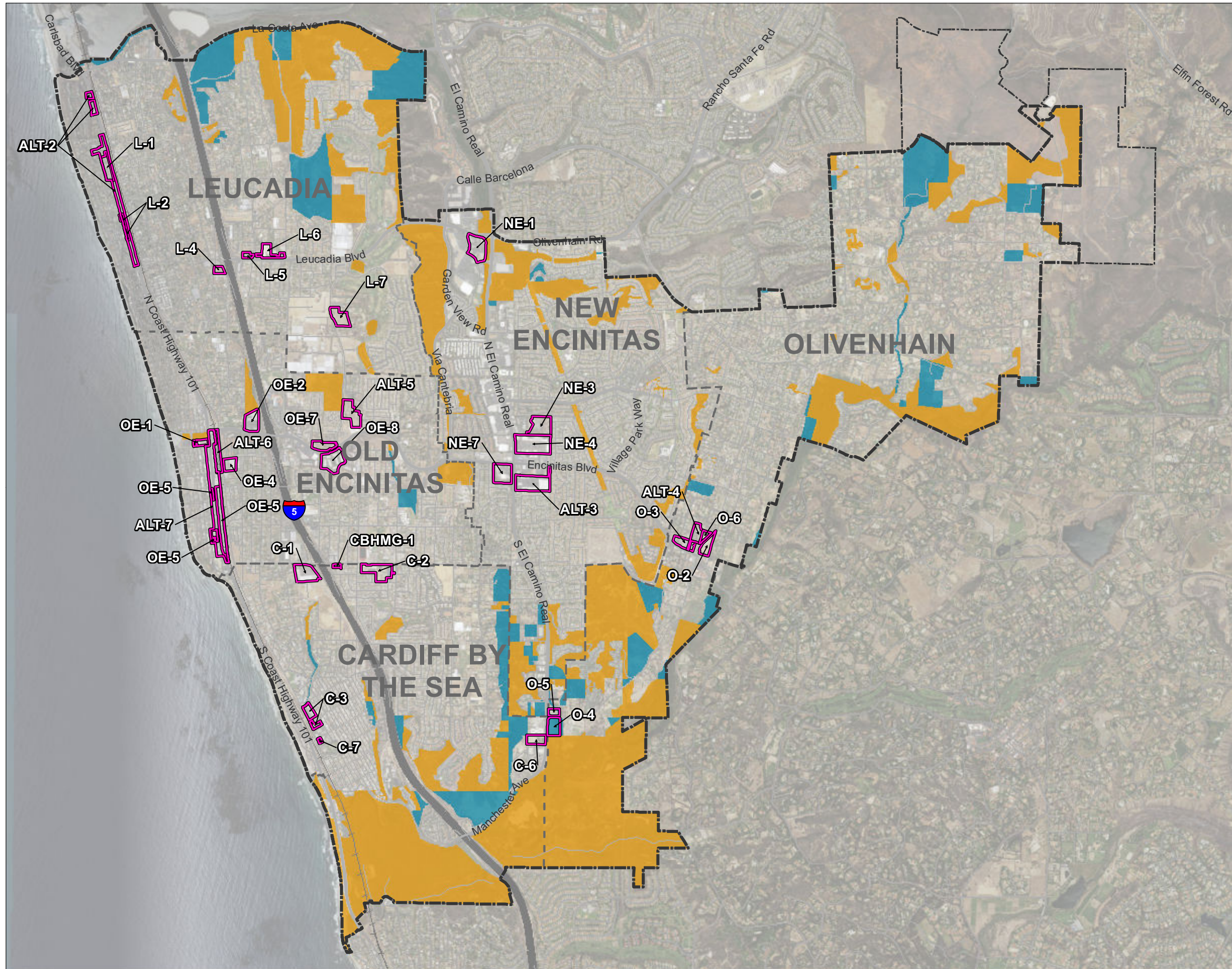
4.3.2.3 Regional

a. North County Multiple Habitat Conservation Program

Coordinated through SANDAG, the MHCP is one of three subregional habitat conservation planning programs in the region that, together, contribute to a coordinated preserve system for the San Diego region. In addition to the City, participating jurisdictions include the cities of Carlsbad, Oceanside, Vista, San Marcos, Escondido, and Solana Beach. The Draft Encinitas Subarea Plan (2001) was prepared in affiliation with the MHCP and has not been adopted; however, applicable provisions of this plan are implemented, to the extent practical, when conducting environmental review for development projects in Encinitas.

The MHCP is a comprehensive conservation planning process that addresses the needs of multiple plant and animal species in northwestern San Diego County. The goal of the MHCP is to conserve approximately 19,000 acres of habitat, of which roughly 8,800 acres (46 percent) are already in public ownership and contribute toward the habitat preserve system for the protection of more than 80 rare, threatened, or endangered species. Biologically valuable areas within the MHCP area are designated as focused planning areas, from which the preserve system would be assembled and managed for its biological resources. Additionally, the MHCP includes a Wetlands Protection Program, which requires wetlands protection through project entitlement reviews and the CEQA process.

One housing site, O-4, is located within a focused planning area identified by the MHCP (Figure 4.3-3).



- City Limits
 - Sphere of Influence
 - Community Area Boundaries
 - Housing Sites
- Focused Planning Areas identified in the MHCP**
- Hardline
 - Softline

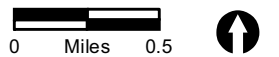


FIGURE 4.3-3
MHCP Focused Planning Areas
in the HEU Housing Sites

4.3.2.4 Local

a. General Plan/Local Coastal Program and Specific Plans

The General Plan, along with relevant specific plans, contains policies related to protection and preservation of sensitive biological resources. Pertinent goals and policies related to sensitive biological resources are listed in Table 4.3-3.

| Table 4.3-3 Goals and Policies Related to Sensitive Biological Resources | |
|---|--|
| Goal/Policy | Description |
| City of Encinitas General Plan Resource Management Element | |
| Goal 3 | The City will make every effort possible to preserve significant mature trees, vegetation and wildlife habitat within the Planning Area. (Coastal 30240) |
| 3.1 | Mature trees of community significance cannot be removed without City authorization. |
| Goal 9 | The City will encourage the abundant use of natural and drought tolerant landscaping in new development and preserve natural vegetation, as much as possible, in undeveloped areas. (Coastal Act/30240/30251) |
| 9.2 | All drainage courses should be maintained in natural or semi-natural vegetation utilizing existing topography as opposed to concrete ditches or pipes. (Coastal Act/30231/30240) |
| 9.3 | Where possible, bridges should be used in lieu of pipes, box culverts, or underground channels to preserve the integrity of the natural stream courses, in keeping with community character in the Planning Area. (Coastal Act/30231/30240) |
| Goal 10 | The City will preserve the integrity, function, productivity, and long term viability of environmentally sensitive habitats throughout the City, including kelp-beds, ocean recreational areas, coastal water, beaches, lagoon and their up-lands, riparian areas, coastal strand areas, coastal sage scrub and coastal mixed chaparral habitats. (Coastal Act 30230/30231/30240) |
| 10.1 | The City will minimize development impacts on coastal mixed chaparral and coastal sage scrub environmentally sensitive habitats by preserving within the inland bluff and hillside systems, all native vegetation on natural slopes of 25% grade and over other than manufactured slopes. A deviation from this policy may be permitted only upon a finding that strict application thereof would preclude any reasonable use of the property (one dwelling unit per lot). This policy shall not apply to construction of roads of the City's circulation element, except to the extent that adverse impacts on habitat should be minimized to the degree feasible. Encroachments for any purpose, including fire break brush clearance around structures, shall be limited as specified in Public Safety Policy 1.2. Brush clearance, when allowed in an area of sensitive habitat or vegetation, shall be conducted by selective hand clearance. |
| 10.5 | The City will control development design on Coastal Mixed Chaparral and Coastal Sage Scrub environmentally sensitive habitats by including all parcels containing concentrations of these habitats within the Special Study Overlay designation. The following guidelines will be used to evaluate projects for approval. <ul style="list-style-type: none"> - conservation of as much existing contiguous area of Coastal Mixed Chaparral or Coastal Sage Scrub as feasible while protecting the remaining areas from highly impacting uses; |

| Table 4.3-3 Goals and Policies Related to Sensitive Biological Resources | |
|---|--|
| Goal/Policy | Description |
| | <ul style="list-style-type: none"> - minimize fragmentation or separation of existing contiguous natural areas; - connection of existing natural areas with each other or other open space areas adjacent to maintain local wildlife movement corridors; - maintenance of the broadest possible configuration of natural habitat area to aid dispersal of organisms within the habitat; - where appropriate, based on community character and design, clustering of residential or other uses near the edges of the natural areas rather than dispersing such uses within the natural areas; - where significant, yet isolated habitat areas exist, development shall be designed to preserve and protect them; - conservation of the widest variety of physical and vegetational conditions on site to maintain the highest habitat diversity; - design of development, with adjacent uses given consideration, to maximize conformance to these guidelines; and - preservation of rare and endangered species on site rather than by transplantation off site. <p>In addition, all new development shall be designed to be consistent with multi-species and multi-habitat preservation goals and requirements as established in the statewide Natural Communities Conservation Planning Act. Compliance with these goals and requirements shall be implemented in consultation with the United States Fish and Wildlife Service and California Department of Fish and Game.</p> |
| 10.6 | <p>The City shall preserve and protect wetlands within the City’s planning area. “Wetlands” shall be defined and delineated consistent with the definitions of the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, the Coastal Act and the Coastal Commission Regulations, as applicable, and shall include, but not be limited to, all lands which are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shall water.</p> <p>There shall be no net loss of wetland acreage or resource value as a result of land use of development, and the City’s goal is to realize a net gain in acreage and value whenever possible.</p> <p>Within the Coastal Zone, the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following newly permitted uses and activities:</p> <ul style="list-style-type: none"> a. Incidental public service projects. b. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas. c. Restoration purposes. d. Nature study, aquaculture, or other similar resource dependent activities. |

| Table 4.3-3 Goals and Policies Related to Sensitive Biological Resources | |
|---|---|
| Goal/Policy | Description |
| | <p>Identification of wetland acreage and resource value shall precede any consideration of use or development of sites where wetlands are present or suspected. With the exception of development for the primary purpose of the improvement of wetland resource value, all public and private use and development proposals which would intrude into, reduce the area of, or reduce the resource value of wetlands shall be subject to alternatives and mitigation analyses consistent with Federal E.P.A 404(b)(1) findings and procedures under the U.S. Army Corps permit process. Practicable project and site development alternatives which involve no wetland intrusion or impact.</p> <p>Wetland mitigation, replacement or compensation shall not be used to offset impacts or intrusion avoidable through other practicable project or site development alternatives. When wetland intrusion or impact is unavoidable, replacement of the lost wetland shall be required through the creation of new wetland of the same type lost, at a ratio determined by regulatory agencies with authority over wetland resources, but in any case at a ratio of greater than one acre provided for each acre impacted so as to result in a net gain. Replacement of wetland on-site or adjacent, within the same wetland system, shall be given preference over replacement off-site or within a different system.</p> <p>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 salt water wetlands, and 50-foot-wide buffers shall be provided upland of riparian wetlands. Unless otherwise specified in this plan, use and development within buffer areas shall be limited 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 are when feasible.</p> <p>All wetlands and buffers identified and resulting from development and use approval shall be permanently conserved or protected through the application of an open space easement or other suitable device.</p> <p>The City shall not approve subdivisions or boundary line adjustments which would allow increased impacts from development in wetlands or wetland buffers. (Coastal Act/30231 Policy 10.6 amended 1/30/91 and 5/11/95 (Reso. 95-32).</p> |
| 10.9 | <p>The City will encourage preservation and the function of San Elijo Lagoon and Batiquitos Lagoon and their adjacent uplands as viable wetland, ecosystems and habitat for resident and migratory, wildlife, by prohibiting actions (subject to the detailed provisions of RM policy 10.6) which:</p> <ul style="list-style-type: none"> - involve wetland fill or increased sedimentation into wetlands; - adversely decrease stream flow into the wetlands; - reduce tidal interchange; - reduce internal water circulation; or - adversely affect existing wildlife habitats. (Coastal Act/30231) |
| 10.11 | <p>In acting to maintain and, where feasible, restore the biological productivity and quality of San Elijo Lagoon, the City will limit alterations and uses to minor public facilities; restorative measures; nature study; passive, non-degrading recreational</p> |

| Table 4.3-3 Goals and Policies Related to Sensitive Biological Resources | |
|---|---|
| Goal/Policy | Description |
| | activities; and facilities necessarily adjunct aquaculture uses. No recreational boating facilities will be permitted in San Elijo Lagoon. Coastal-dependent developments (i.e., utility facilities, boating facilities, etc.) shall not be sited in the wetland area (San Elijo Lagoon and contiguous wetlands). (Coastal Act/30231) contiguous wetlands) (Coastal Act/30231 |
| City of Encinitas General Plan Land Use Element | |
| Goal 2 | The City should manage slow, orderly growth in accordance with a long-term plan which protects and enhances community values. |
| 2.7 | Implement mechanisms to ensure the preservation of significant environmental areas of the City. These mechanisms might include establishing development standards encouraging developers to maximize open space, transfers of development rights (TDR's), land banking, purchase, etc. (Coastal Act/30240) |
| 2.8 | Development shall not be permitted where it will result in significant degradation of ground, surface, or ocean water quality, or where it will result in significant increased risk of sewage overflows, spills, or similar accidents. (Coastal Act/30231) |
| Encinitas Ranch Specific Plan | |
| Goal 1 | Identify and develop a plan for preservation and mitigation of valuable natural environments. |
| 1.1 | Conduct a survey to identify valuable natural environments including biological, geological, and cultural resources. |
| 1.2 | Assess possible impacts to valuable natural environments on-site and develop a management program to preserve the resources or mitigate potential impacts resulting from project development. |
| 1.3 | Encourage minimal wildlife contact with inhabited areas by providing water guzzlers within wildlife open space areas. |
| Goal 2 | Establish categories of sensitivities for biological, archaeological, and paleontological resources. |
| 2.1 | Require that biological, archaeological, and paleontological resources threatened by development within the project site and which have been identified by qualified professionals as significant or important are documented, preserved, or salvaged for the benefit of future generations. |
| 2.2 | Require that the project developer work with the City to establish appropriate categories and methodologies for evaluating the number, type, and quality of sensitive natural resources on-site. |
| Goal 3 | Preserve the areas of steep slope and sensitive natural resources on-site and provide a natural green space linkage throughout the project. |
| 3.1 | Minimize intrusion into the area of steep slopes that traverse through the center of the project site from north to south, except for pedestrian and bicycle trails, and, where appropriate, equestrian trails, that provide for interactive use of the open space. |
| 3.2 | Preserve and incorporate significant natural features such as bluffs, rock outcroppings, and steep slopes into open space areas and incorporate these open space features into the development plan to encourage passive use or total protection if deemed appropriate. Recreational trails should use existing roads to traverse bluff faces. |
| Goal 5 | Establish landscaping standards to maintain natural vegetation on undeveloped slopes, and natural vegetation on certain manufactured slopes to assure project-wide landscaping compatibility. |
| 5.1 | Discourage the removal of natural vegetation on undeveloped slopes and establish a |

| Table 4.3-3 Goals and Policies Related to Sensitive Biological Resources | |
|---|---|
| Goal/Policy | Description |
| | maintenance plan. |
| 5.2 | Encourage the planting of indigenous or drought-tolerant materials on existing under-vegetated areas and large manufactured slopes adjacent to natural vegetation areas. |
| Downtown Encinitas Specific Plan | |
| Goal 1 | The maintenance of the open space resources in the planning area will continue to be emphasized. (Coastal Act/30240) |
| 1.1 | Continue to cooperate with property owners, the County of San Diego, and others to preserve and maintain the riparian habitats within the planning area. (Coastal Act/30240) |
| Goal 8 | Environmentally and topographically sensitive and constrained areas within the City should be preserved to the greatest extent possible to minimize the risks associated with development in these areas. (Coastal Act/30240/30253) |
| 8.5 | The Special Study Overlay designation shall be applied to lands which, due to their sensitive natures, should only be developed with consideration of specific constraints and features related to drainage courses, bluffs, slopes, geology and soils, biotic habitat, viewsheds and vistas, and cultural resources. Development within the overlay area shall be reviewed and approved in accordance with criteria and standards, which protect coastal and inland resources. (Coastal Act/30240/30253) |
| 8.6 | Significant natural features shall be preserved and incorporated into all development, Such features may include bluffs, rock outcroppings, natural drainage courses, wetland and riparian areas, steep topography, trees, and views (Coastal Act/30240/30250/ 30251) |
| 8.7 | Non-developable or constrained areas should be evaluated for possible use as open space or recreational use. (Coastal Act/30240) |
| SOURCE: City of Encinitas 1989, amended 2014; City of Encinitas 2005a; and City of Encinitas 2005b. | |

b. Municipal Code

Chapter 15.02 Municipal Tree Ordinance

The Municipal Tree Ordinance requires compliance with the City's Urban Forest Management Program during development, redevelopment, razing, or renovating of structures. General policies include the protection of City trees within the public right-of-way, heritage trees, and trees designated to be preserved by development projects.

Chapter 30.34.040A Floodplain Overlay Zone

The Floodplain Overlay Zone regulations apply to areas within the Special Study Overlay Zone where site-specific analysis indicates the presence of a flood channel, floodplain, or wetland; and to all flood channels and floodplains/floodways mapped by the Federal Emergency Management Agency, City, and/or County. Within the 100-year floodplain, permanent structures, roads and other public improvements will only be allowed if the applicant can demonstrate specific criteria pertaining to flooding, sensitive habitats, and water quality.

The Floodplain Overlay Zone regulations also provide buffers for activities around wetland areas. For coastal lagoon wetland areas, a buffer of 100 feet in width is required. Additionally, a buffer of 100 feet in width is required around all other wetland areas, except riparian wetland areas which shall require a minimum 50 foot wide buffer, unless the applicant demonstrates that a buffer of lesser width will protect the resources of the wetland, based on site specific information. All construction and grading activities adjacent to wetlands shall be located so as not to contribute to increased sediment loading of the wetland, cause disturbance to its habitat values, or otherwise impair the functional capacity of the wetland.

Chapter 30.34.040B Cultural/Natural Resources Overlay Zone

Cultural/Natural Resources Overlay Zone regulations apply to areas within the Special Study Overlay Zone where site-specific analysis indicates the presence of sensitive cultural, historic, and biological resources, including sensitive habitats. For parcels containing sensitive habitats, a survey by a qualified biologist is required to determine the significance of the habitats on-site and the need for mitigation.

4.3.3 Significance Determination Thresholds

Consistent with Appendix G of the CEQA Guidelines, impacts related to biological resources would be significant if the Housing Element Update (HEU) project would:

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS;
2. Have a substantial adverse effect on any sensitive natural community identified in local or regional plans, policies, and regulations or by CDFW or USFWS;
3. 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;
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
5. Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), NCCP, or other approved local, regional, or State HCP; or
6. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

4.3.4 Methodology

4.3.4.1 Sources

The biological resources documented in this section were determined through an extensive review of the most current biological literature and Geographical Information Systems (GIS) data available for the City. The base vegetation community mapping was prepared using the regional vegetation map prepared for the Multiple Species Conservation Program (SanGIS 1995). This vegetation mapping was further refined using aerial photography and field verification. Updates to the vegetation map included correcting developed areas that were mapped as native vegetation or agricultural, and vice versa.

The sensitive flora and fauna species are known to occur within the City based on information obtained from the literature review. General flora and fauna species were determined based on the identified vegetation communities and the species that typically occur in these habitats. An in-house search of CNDDDB, SanBIOS, and USFWS databases was also performed to identify historical occurrences of sensitive plants and wildlife species within 500 feet of undeveloped housing sites (State of California 2015a; SanGIS 1995; USFWS 2015). Housing sites comprised entirely of developed land or intensive agriculture (e.g., L-5 and L-6) were excluded from the record search.

4.3.4.2 Future Project Implementation

As noted previously in this chapter, for housing sites containing known botanical resources, vegetation communities, or sensitive species, the City of Encinitas Municipal Code requires a site-specific resource survey and impact analysis. In these instances, the City would review project applications for compatibility, applicable requirements for botanical, vegetation, or sensitive species protection, and require specific conditions as part of the approval process. Table 4.3-4 shows the biological constraints of each housing site, which would require future study in accordance with existing regulations and policies. Adoption of the ~~HEU floating~~new zone would not alter the City's adopted discretionary review process.

Redevelopment of any of the housing sites may occur with or without implementation of the ~~HEU floating~~new zone. The ~~floating~~new zone gives a property owner a choice whether to opt into the housing plan, or forego doing so and retain their existing zoning rights. Depending on the category of the existing zoning, different levels of development or reconstruction activities are permitted on the housing sites.

The impact analysis below describes the type and magnitude of the potential environmental impacts of future development on the housing sites and how such impacts would affect the existing environment. Future development has the potential to impact botanical resources, vegetation communities, or sensitive species. The analysis in the following section identifies both direct and indirect impacts, the significance of impacts and a mitigation framework for future projects. Subsequent "by right" development within the new ~~floating~~new zone district created through the HEU would not be subject to further CEQA review to

**Table 4.3-4
Summary of Biological Resource Constraints**

| Site | Housing Strategy 1 (RM) | Housing Strategy 2 (BYO) | Housing Strategy 3 (MMUP) | Sensitive Vegetation Communities | Sensitive Plants and Wildlife | Least Bell's Vireo | Nesting Birds | Jurisdictional Wetlands/Waters |
|---------|-------------------------|--------------------------|---------------------------|----------------------------------|-------------------------------|--------------------|---------------|--------------------------------|
| ALT-2 | | | Yes | | | | Yes | |
| ALT-3 | | | Yes | | | | | |
| ALT-4 | | | Yes | Yes | Yes | | Yes | Yes |
| ALT-5 | | | Yes | Yes | Yes | | Yes | Yes |
| ALT-6 | | | Yes | | | | | |
| ALT-7 | | | Yes | | | Yes | Yes | Yes |
| C-1 | | | Yes | | | | | |
| C-2 | Yes | Yes | Yes | | | | Yes | |
| C-3 | Yes | | | | | | | |
| C-6 | | | Yes | Yes | Yes | | Yes | Yes |
| C-7 | Yes | | | | | | | |
| L-1 | Yes | Yes | | | | | | |
| L-2 | Yes | | | | | | | |
| L-4 | Yes | | | Yes | Yes | | Yes | Yes |
| L-5 | Yes | | | | | | Yes | |
| L-6 | Yes | | | | | | | |
| L-7 | | Yes | Yes | Yes | Yes | | Yes | Yes |
| NE-1 | | Yes | Yes | | | Yes | Yes | Yes |
| NE-3 | | Yes | | Yes | Yes | | Yes | Yes |
| NE-4 | Yes | | | | | | Yes | |
| NE-7 | | Yes | Yes | | | | Yes | |
| O-2 | Yes | Yes | Yes | Yes | Yes | | Yes | Yes |
| O-3 | | | Yes | | | | Yes | |
| O-4 | | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| O-5 | Yes | Yes | | Yes | Yes | Yes | Yes | Yes |
| O-6 | Yes | | | Yes | Yes | | Yes | Yes |
| OE-1 | Yes | | Yes | Yes | Yes | | Yes | Yes |
| OE-2 | | Yes | | Yes | Yes | Yes | Yes | Yes |
| OE-4 | Yes | | Yes | | | | | |
| OE-5 | Yes | | | | | | | |
| OE-7 | Yes | Yes | Yes | Yes | Yes | | Yes | Yes |
| OE-8 | | Yes | | | | | | |
| CBHMG-1 | | | | | | | Yes | |

analyze project-level impacts on biological resources, unless otherwise noted. Compliance with development standards required for “by right” development as well as the mitigation framework identified in this PEIR would serve to minimize the potential for significant impacts associated with implementation of the HEU.

4.3.5 Issue 1: Sensitive Species

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

4.3.5.1 Impacts

a. Housing Sites

While the HEU does not specifically propose activities such as grading or construction that would have the potential to displace sensitive species, it can be assumed that future development of housing sites could have the potential to directly or indirectly impact sensitive species through such activities. Table 4.3-5 contains a matrix of the sensitive resources, specifically plants, wildlife, least Bell’s vireo, and nesting and migratory birds that may be impacted by the development of each housing site. This analysis identifies specific housing sites where the potential to impact sensitive species exists. In accordance with the requirements of Chapter 30.34.040B of the City’s Municipal Code, the Cultural/Natural Resources Overlay Zone, site-specific surveys must be conducted in conjunction with future project-level review to verify the presence of sensitive plant or wildlife species occurring on individual housing sites and determine the extent of any potential impacts. These potential impacts are described below.

| Housing Site | Sensitive Plants | Sensitive Wildlife | Least Bell’s Vireo | Nesting and Migratory Birds |
|--------------|------------------|--------------------|--------------------|-----------------------------|
| ALT-2 | - | - | | Yes |
| ALT-3 | | | | |
| ALT-4 | Yes | Yes | | Yes |
| ALT-5 | Yes | Yes | | Yes |
| ALT-6 | - | - | | - |
| ALT-7 | - | - | Yes | Yes |
| C-1 | - | - | | - |
| C-2 | - | - | | Yes |
| C-3 | - | - | | - |
| C-6 | Yes | Yes | | Yes |
| C-7 | - | - | | - |
| L-1 | - | - | | - |
| L-2 | - | - | | - |
| L-4 | Yes | Yes | | Yes |
| L-5 | - | - | | Yes |
| L-6 | | | | |

**Table 4.3-5
Potential Impacts to Sensitive Wildlife Species***

| Housing Site | Sensitive Plants | Sensitive Wildlife | Least Bell's Vireo | Nesting and Migratory Birds |
|--------------|------------------|--------------------|--------------------|-----------------------------|
| L-7 | Yes | Yes | | Yes |
| NE-1 | - | - | Yes | Yes |
| NE-3 | Yes | Yes | | Yes |
| NE-4 | - | - | | Yes |
| NE-7 | - | - | | Yes |
| O-2 | Yes | Yes | | Yes |
| O-3 | - | - | | Yes |
| O-4 | Yes | Yes | Yes | Yes |
| O-5 | Yes | Yes | Yes | Yes |
| O-6 | Yes | Yes | | Yes |
| OE-1 | Yes | Yes | | Yes |
| OE-2 | Yes | Yes | Yes | Yes |
| OE-4 | - | - | | - |
| OE-5 | - | - | | - |
| OE-7 | Yes | Yes | | Yes |
| OE-8 | - | - | | - |
| CBHMG-1 | - | - | | Yes |

NOTE: Housing sites indicated with a 'yes' would require future study in accordance with existing regulations and policies.

Direct impacts to sensitive plant and wildlife species could potentially result from the removal of occupied habitat within undeveloped housing sites through grading and other land development activities (Impact BIO-1). Additionally, indirect impacts to sensitive plant or wildlife species could also result from excess noise, lighting, or runoff generated during project construction. The following housing sites are considered undeveloped or have a substantial portion of the site unimproved (e.g., have the potential to contain native and/or non-native habitats), and future development of these sites has the potential to impact sensitive plants or wildlife: 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.

Direct impacts to least Bell's vireo could potentially result from the removal of riparian habitat during the least Bell's vireo breeding season (April 10 to July 31). Additionally, indirect impacts could also result from excess noise or lighting generated during project construction should it occur within 300 feet of riparian habitat during the breeding season (April 10 to July 31) (Impact BIO-2). The following housing sites have been mapped as containing or adjacent to riparian habitat, and future development of these sites has the potential for direct and/or indirect impacts to least Bell's vireo: ALT-7, NE-1, O-4, O-5, and OE-2.

Direct impacts to nesting or migratory birds, including raptors (as protected under the MBTA), could potentially result from the removal of mature trees and/or native vegetation within housing sites during the typical bird breeding season (January 15–September 15) (Impact BIO-3). Due to the potential for mature trees and/or native vegetation to support

these nesting birds on-site, future development of the following housing sites has the potential to directly impact nesting or migratory bird species should vegetation clearing and/or project construction occur during the general bird breeding season: 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.

As shown in Table 4.3-3, the following policies aim to protect sensitive plant and wildlife species: Policy 10.5 of the General Plan Resource Management Element (2011); Policies 1.1, 1.2, 1.3, 2.1, and 2.2 of the Encinitas Ranch Specific Plan (2005a). Section 30.34.050 of the Municipal Code (2015b) also addresses sensitive species. In addition, as detailed in Sections 4.3.6 and 4.3.7 below, the General Plan Resource Management Element, Downtown Encinitas Specific Plan, Encinitas Ranch Specific Plan, and Municipal Code contain numerous provisions for the preservation of natural habitats including wetlands, which would thereby protect sensitive plant and wildlife populations. As future projects are planned they must adhere to these policies and regulations.

b. Housing Strategy Summaries

Housing Strategy 1 – Ready Made (RM)

Development within housing strategy 1 (RM) has potential to impact:

- Impact BIO-1 - Sensitive plants and wildlife on L-4, O-2, O-5, O-6, OE-1, OE-2, and OE-7;
- Impact BIO-2 - Least Bell's vireo on O-5; and
- Impact BIO-3 - Nesting or migratory birds on C-2, L-4, L-5, NE-4, O-2, O-5, O-6, OE-1, and OE-7.

Housing Strategy 2 – Build Your Own (BYO)

Development within housing strategy 2 (BYO) has potential to impact:

- Impact BIO-1 - Sensitive plants and wildlife on L-7, NE-3, O-2, O-4, O-5, OE-2, and OE-7;
- Impact BIO-2 - Least Bell's vireo on NE-1, O-4, O-5, and OE-2; and
- Impact BIO-3 - Nesting or migratory birds on C-2, L-7, NE-1, NE-3, NE-7, O-2, O-4, O-5, OE-2, and OE-7.

Housing Strategy 3 – Modified Mixed Use Places (MMUP)

Development within housing strategy 3 (MMUP) has potential to impact:

- Impact BIO-1 - Sensitive plants and wildlife on C-6, L-7, O-2, O-4, OE-1, and OE-7;
- Impact BIO-2 - Least Bell's vireo on NE-1 and O-4; and
- Impact BIO-3 - Nesting or migratory birds on C-2, C-6, L-7, NE-1, NE-7, O-2, O-3, O-4, OE-1, and OE-7.

4.3.5.2 Significance of Impacts

Direct impacts to sensitive plants and sensitive wildlife (Impact BIO-1) within 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 would be potentially significant. Direct and/or indirect impacts to least Bell's vireo (Impact BIO-2) within housing sites ALT-7, NE-1, O-4, O-5, and OE-2 would be potentially significant. 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 would be potentially significant (Impact BIO-3).

4.3.5.3 Mitigation Framework

BIO-1: Applications for future development of housing sites consistent with the new HEU floating-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 HEU floating-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 ~~HEU floating~~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.

4.3.5.4 Significance After Mitigation

Impacts to sensitive plants and wildlife, including least Bell's vireo and migratory or nesting birds, would be reduced to a level less than significant with implementation of the mitigation framework in -measures BIO-1, BIO-2, and BIO-3.

4.3.6 Issue 2: Sensitive Vegetation Communities

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

4.3.6.1 Impacts

a. Housing Sites

While the HEU does not specifically propose vegetation removal, it can be assumed that future development of housing sites could have the potential to directly impact sensitive vegetation communities through such activities. 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. These communities are considered sensitive due to their limited occurrence and ability to support diverse and sensitive species. Thus, removal of these vegetation communities associated with future development on housing sites containing these resources would be significant (Impact BIO-4).

Due to the fact that portions of the biological resource assessment are based on secondary source information rather than site-specific field surveys, the analysis herein identifies specific housing sites with the potential for impacts to sensitive vegetation communities. Site-specific surveys would be required for future project-level review to verify the presence of sensitive vegetation communities occurring on individual housing sites and determine the extent of any potential impacts. The following housing sites are considered undeveloped or have a substantial portion of the site unimproved (e.g., have the potential to contain native and/or non-native habitats), and future development has the potential to impact sensitive vegetation communities through vegetation removal: 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.

As shown on Table 4.3-3, policies aimed at protecting sensitive vegetation communities include: Policies 9.2, 9.3, 10.1, 10.5, 10.6, 10.9, and 10.11 of the General Plan Resource Management Element (2011); Policies 1.1, 1.2, 5.1, and 5.2 of the Encinitas Ranch Specific Plan (2005a); Policy 1.1, 8.5, and 8.6 of the Downtown Encinitas Specific Plan (2005b). Sections 30.34.040 and 30.34.050 of the Municipal Code also contain provisions for the protection of sensitive vegetation. As future projects are planned they must adhere to these policies and regulations. However, as the site-specific requirements are unknown at this program-level of analysis, direct impacts to sensitive vegetation communities could potentially result from the implementation of the HEU. Impacts to sensitive vegetation communities would be potentially significant.

b. Housing Strategy Summaries

Housing Strategy 1 – Ready Made

Development within housing strategy 1 (RM) has potential to impact:

- Sensitive vegetation communities on L-4, O-2, O-5, O-6, OE-1, and OE-7.

Housing Strategy 2 – Build Your Own

Development within housing strategy 2 (BYO) has potential to impact:

- Sensitive vegetation communities on L-7, NE-3, O-2, O-4, O-5, OE-2, and OE-7.

Housing Strategy 3 – Modified Mixed Use Places

Development within housing strategy 3 (MMUP) has potential to impact:

- Sensitive vegetation communities on ALT-4, ALT-5, C-6, L-7, O-2, O-4, OE-1, and OE-7.

4.3.6.2 Significance of Impacts

Direct impacts to sensitive vegetation communities (Impact BIO-4) within 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 would be potentially significant and, therefore, require mitigation.

4.3.6.3 Mitigation Framework

Mitigation measure **BIO-1** would require site-specific biology surveys, at the time future projects are proposed, as determined by the City based on the conditions at the time of application. Potentially significant impacts to sensitive vegetation communities shall be identified during the biology survey and project-specific mitigation measures to reduce the impacts to below a level of significance shall be identified in a biological resources report. Future development consistent with the HEU that would impact sensitive vegetation communities shall be required to comply with the following mitigation framework.

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

Future project-level grading and site plans shall incorporate project design features to minimize direct 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.

4.3.6.4 Significance After Mitigation

Impacts to sensitive habitats would be reduced to a level less than significant with implementation of the mitigation framework BIO-4.

4.3.7 Issue 3: Wetlands

Would the project have a 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?

4.3.7.1 Impacts

a. Housing Sites

While the HEU does not specifically propose alteration of a known or potential jurisdictional water or wetland, it can be assumed that future development of housing sites could have the potential to directly or indirectly impact jurisdictional waters or wetlands through such activities through vegetation removal and grading activities associated with development (Impact BIO-5). Future development of the following housing sites have the potential to impact jurisdictional waters or wetlands: 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. Due to the fact that portions of the biological resource assessment are based on secondary source information rather than site-specific field surveys, the impacts would be refined for individual projects. The analysis herein identifies specific housing sites with the potential for future development to impact jurisdictional waters or wetlands on- and off-site. If warranted, a formal delineation would be required in conjunction with future project applications to identify the precise boundaries of jurisdictional resources and determine the extent of any potential impacts.

As shown in Table 4.3-3, policies aimed at the protection of wetland resources include: Policies 9.3, 10.6, 10.9, and 10.11 of the General Plan Resource Management Element (2011); Policies 1.1, 8.5, and 8.6 of the Downtown Encinitas Specific Plan; and Section 30.34.040 of the Municipal Code contain provisions for the preservation of jurisdictional waters and wetlands. As future projects are planned they must adhere to these policies and regulations. However, as the site-specific requirements are unknown at this program-level of analysis, direct impacts to jurisdictional wetlands could potentially result from buildout of the housing sites. Impacts to jurisdictional wetlands would be potentially significant.

b. Housing Strategy Summaries

Housing Strategy 1 – Ready Made

Development within housing strategy 1 (RM) has potential to impact:

- Wetlands and other jurisdictional waters on L-4, O-2, O-5, O-6, OE-1, and OE-7.

Housing Strategy 2 – Build Your Own

Development within housing strategy 2 (BYO) has potential to impact:

- Wetlands and other jurisdictional waters on L-7, NE-1, NE-3, O-2, O-4, O-5, OE-2, and OE-7.

Housing Strategy 3 – Modified Mixed Use Places

Development within housing strategy 3 (MMUP) has potential to impact:

- Wetlands and other jurisdictional waters on ALT-4, ALT-5, ALT-7, C-6, L-7, NE-1, O-2, O-4, OE-1, and OE-7.

4.3.7.2 Significance of Impacts

Impacts to jurisdictional waters and wetlands (Impact BIO-5) within 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 would be potentially significant and, therefore, require mitigation.

4.3.7.3 Mitigation Framework

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

Avoidance measures based on project-level grading and site plans shall be incorporated into the project design to minimize direct impacts to jurisdictional waters consistent with Federal, State, and City guidelines. Unavoidable impacts to wetlands shall be minimized to the maximum extent practicable and would be subject to alternatives and mitigation analyses consistent with U.S. Environmental Protection Agency 404(b)(1) findings and procedures under the USACE's permit process. Unavoidable impacts would require the in-kind creation of new wetland of the same type lost, at a ratio determined by the applicable regulatory agencies that would prevent any net loss of wetland functions and values. Wetland creation on-site or within the same wetland system shall be given preference over replacement off-site or within a different system. The City shall also control use and development in surrounding areas of influence to wetlands with the application of buffer zones. At a minimum, 100-foot-wide buffers shall be provided upland of wetlands with the exception of riparian areas which will require 50-foot-wide buffers, unless the applicant demonstrates that a buffer of lesser width would protect the resources of the wetland based on site-specific information. Use and development within buffer

areas shall be limited to minor passive recreational uses with fencing, 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.

4.3.7.4 Significance After Mitigation

Impacts to jurisdictional waters and wetlands would be reduced to a level less than significant with implementation of the mitigation framework. Impacts to wetlands and other jurisdictional waters within housing strategies 1, 2, and 3 (Impact BIO-5) -would be mitigated to below a level of significance by mitigation measure BIO-5.

4.3.8 Issue 4: Wildlife Corridors

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

4.3.8.1 Impacts

a. Housing Sites

The housing sites identified within the HEU, ~~as stated above,~~ are primarily restricted by developed land. Although housing sites ALT-4, ALT-5, C-6, C-7, NE-1, O-2, ~~O-4,~~ O-6, and OE-1 are bounded, in part, by undeveloped land, they do not meet the criteria for a wildlife movement corridor as they are not identified as such by the Encinitas Subarea Plan (2001) and are further restricted by roads and other development.

A portion of housing site O-4 contains an area of Escondido Creek that is identified by the Encinitas Subarea Plan (2001) as a regionally significant wildlife movement corridor; however, as this area is permanently conserved in open space by a conservation easement, it would not be impacted by future development in accordance with the HEU. Therefore, implementation of the HEU would not interfere with any a regionally significant wildlife corridor and would not have a significant impact to wildlife movement. Additionally, Policy

10.5 of the General Plan Resource Management Element (2011) contains provisions for the preservation of wildlife movement corridors. Impacts would be less than significant.

b. Housing Strategy Summaries

Housing strategies 1 (RM), 2 (BYO), and 3 (MMUP) would not impact any wildlife movement corridors, as no significant wildlife movement corridors occur in any of the housing sites. Therefore, there would be no inherent differences in impacts among the housing strategies.

4.3.8.2 Significance of Impacts

Potential impacts associated with wildlife movement corridors would be less than significant.

4.3.9 Issue 5: Habitat Conservation Planning

Would the project conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or State HCP?

4.3.9.1 Impacts

a. Housing Sites

No impacts that would conflict with an adopted HCP, NCCP, or any other approved local, regional, or State HCP are anticipated as a result of implementation of the HEU. As noted above, housing site O-4 is located within a focused planning area identified by the MHCP. Implementation of mitigation measures BIO-1 through BIO-4 would ensure future development within these housing sites is consistent with the MHCP by requiring site-specific surveys to be conducted for future project-level review to verify the presence of sensitive biological resources occurring on individual housing sites; determine the extent of any potential impacts; and provide mitigation to reduce the impacts to below a level of significance. As future projects would be required to address sensitive species and vegetation communities identified in the MHCP, development in accordance with the HEU would not conflict with an adopted HCP, NCCP, or any other approved local, regional, or State HCP.

The MHCP is intended to protect viable populations of native plant and animal species and their habitats. Avoidance of impacts to biologically sensitive resources, which include wetlands and other sensitive vegetation communities, is emphasized and proposed projects which would directly or indirectly impact sensitive resources are required to minimize or mitigate any impacts that cannot be avoided. Additionally, Policy 10.5 of the City of Encinitas General Resource Plan Management Element (2011) requires project design to be consistent with the preservation goals and requirements of the statewide NCCP act. As future projects are planned they must adhere to these policies and regulations; therefore, impacts would be less than significant.

b. Housing Strategy Summaries

Implementation of mitigation measures BIO-1 through BIO-4 would ensure project compliance with the MHCP. Therefore, there would be no impact to habitat conservation planning, and no inherent differences in impacts among the housing strategies.

4.3.9.2 Significance of Impacts

Potential impacts associated with conflicts with the MHCP or any local, regional, and State HCPs would be less than significant.

4.3.10 Issue 6: Policies and Ordinances Protecting Biological Resources

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

4.3.10.1 Impacts

a. Housing Sites

The HEU does not propose any activities that would conflict with local policies or ordinances protecting biological resources. Mitigation measures BIO-1 through BIO-4 would require site-specific surveys to be conducted for future project-level review to verify the presence of sensitive biological resources occurring on individual housing sites, determine the extent of any potential impacts, and provide mitigation to reduce the impacts to below a level of significance.

Additionally, the City's General Plan Resource Management Element Policy 3.1 and Chapter 15.02 of the City's Municipal Code regulate the planting, maintenance, and removal of public trees within the public right-of-way or on public property. The HEU would not conflict with the City's adopted regulations pertaining to trees. Future projects associated with the HEU would be required to comply with the tree ordinance to avoid significantly impacting protected trees. As future projects are planned they must adhere to these policies and regulations; therefore, impacts would be less than significant.

b. Housing Strategy Summaries

Housing strategies 1 (RM), 2 (BYO), and 3 (MMUP) would not conflict with any local policies or ordinances protecting biological resources, including the City's adopted Tree Ordinance and Urban Forest Management Program. Therefore, there would be no inherent differences in impacts among the housing strategies.

4.3.10.2 Significance of Impacts

Potential impacts associated with ~~any tree~~-local policies or ordinances protecting biological resources would be less than significant.