
Executive Summary

EXECUTIVE SUMMARY

Contents of the Environmental Impact Report (EIR) for Batiquitos Bluffs are summarized below, including findings of significance and non-significance and explanations of these findings; mitigation strategies to reduce significant impacts; a discussion of areas of potential project controversy and alternatives under consideration. The Executive Summary will follow the EIR outline in its presentation of these elements, in order to maintain a logical progression between the summary and the full EIR.

ES.1 INTRODUCTION

This EIR is an informational document prepared to evaluate the potential environmental impacts resulting from the construction of the proposed project. Where appropriate, mitigation measures are provided throughout this EIR to reduce potential impacts to the environment to a level below significance.

The *Batiquitos Bluffs* project site consists of approximately 47.81 acres located in the City of Encinitas on the City's northern border. Approximately 6.79 acres are proposed for residential development, 37.48 acres are proposed for natural open space (i.e., Lots A and B), approximately 2.27 acres are proposed for private roads. The remaining 1.27 acres of the site would be utilized for easements and public rights-of-way. The developed project would consist of 19 single-family residences, resulting in a net density of about 0.47 dwelling units per acre (du/ac). The project is located along La Costa Avenue just south of the Batiquitos Lagoon and near the intersection with El Camino Real to the east.

The discretionary actions required by the City of Encinitas in order to implement the proposed project include: Tentative Map (TM), Major Use Permit (MUP), Design Review Permit (DR), and Coastal Development Permit (CDP). The following permits may be required by the City of Carlsbad in order to implement proposed improvements within the La Costa Avenue right-of-way: Coastal Development Permit, Special Use Permit (Floodplain), and Right-of-Way Permit. Additionally, the San Diego Local Agency Formation Commission (LAFCO) may need to approve changes to the boundaries of the City of Encinitas and the City of Carlsbad to facilitate the proposed improvements within the La Costa Avenue right-of-way. Various state and federal permits may also be required, including a National Pollution Discharge Elimination System (NPDES) Permit and §401 Water Quality Certification by the Regional Water Quality Control Board; Section 1602 Permit from the California Department of Fish and Game (CDFG); Section 404 Permit from the Army Corps of Engineers (ACOE) for impacts to "Waters of the U.S.;" and Section 7 Consultation with the Army Corps of Engineers (lead agency) and US Fish and Wildlife Service.

The following issue areas are addressed in this EIR; land use/planning; biological resources; cultural resources; geology/soils; hazards and hazardous materials; hydrology/water quality; noise; aesthetics; and air quality. A Notice of Preparation (NOP), dated September 15, 2006, was prepared and distributed to all Responsible and Trustee Agencies, as well as other agencies and members of the public who may have an interest in the project.

ES.1.1 AREAS OF KNOWN CONTROVERSY

A Notice of Preparation (NOP), dated September 15, 2006, was prepared and distributed to all Responsible and Trustee Agencies, as well as other agencies and members of the public who may

have an interest in the project. The purposed of the NOP is to identify and determine the full range and scope of environmental issues of concern so that these issues could be fully examined in this EIR. Both written and verbal comments received by the City of Encinitas during the NOP process are addressed in this EIR. Copies of the NOP, Initial Study, and NOP Comment Letters are provided in the Technical Appendices to this EIR under Section A. Issues raised during the NOP comment period are summarized below in Table ES-1.

Table ES-1 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

a. Potential direct, indirect and cumulative impacts to sensitive biological resources, including sensitive plant communities, sensitive plant and wildlife species and jurisdictional wetlands.
b. Compatibility of the proposed project with the Multiple Habitat Conservation Program (MHCP) and the City of Encinitas’ draft MHCP Subarea Plan.
c. Potential impacts to sensitive cultural and historical resources and measures to reduce those impacts.
d. Potential impacts to traffic and circulation, including issues associated with infrastructure potential issues associated with access to the project site.
e. Potential impacts related to storm water runoff and measures to reduce those impacts.
f. Consistency with the Encinitas General Plan, including policies related to aesthetics, land use, population and housing, utilities and public services, geology and recreation.

Each of the concerns identified above in Table ES-1 has been addressed in relevant portions of the EIR, and where necessary and appropriate, mitigation measures are provided to ensure that significant impacts to not occur.

ES.2 ENVIRONMENTAL SETTING

The proposed project site is located along La Costa Avenue, west of the existing intersection with El Camino Real. The Baticuitos Lagoon is located just north, along the opposite side of La Costa Avenue. The site is generally bordered by open space lots of existing residential developments, in addition to a local shopping center located on the eastern edge of El Camino Real. Land to the west of the project site includes single-family residences on the bluffs and a mixture of open space. Open space and development associated with the La Costa Glen retirement community is located to the south and southeast.

In a broader sense, the project site is located in a topographically diverse area ranging in altitudes from nine (9) feet above mean sea level (AMSL) in the northwestern portions to 290 feet AMSL in the southwest. Interstate 5, which connects with La Costa Avenue, is located approximately 2.1 miles west of the proposed project site.

The project site is designated for Residential Rural (RR-1) which allows no more than 1 du/ac. However, mid-range density within this zone only allows 0.75 units per acre.

The site is subject to the City of Encinitas General Plan, the Encinitas Municipal Code and the Multiple Habitat Conservation Program (MHCP). In addition, proposed improvements to La Costa Avenue along the project’s frontage are subject to the City of Carlsbad General Plan and the City of Carlsbad Municipal Code,

The site would receive fire services from the City of Carlsbad or the City of Encinitas. The proposed project would be served by Carlsbad Station 2, located at 1906 Arenal Road, with an approximate response time of 3-4 minutes. The Encinitas Fire Department (Station #3), located at 801 Orpheus Avenue, also could serve the project site based upon a “first-in” agreement with the City of Carlsbad. Police service would be provided by the County of San Diego’s Encinitas Sheriff Station, located at 175 North El Camino Real Road, or approximately 2.7 miles north of the project site.

ES.3 PROJECT DESCRIPTION

The *Batiquitos Bluffs* project requires approval of a Tentative Map (TM), Major Use Permit (MUP), Design Review Permit (DR), and Coastal Development Permit (CDP) to create a residential subdivision comprised of 19 single-family homes, two open space lots, and private roads.

The 19 residential lots identified on the TM occupy 6.79 net acres located largely in the northeastern portion of the property. The residential lots would range in size from 13,400 to 21,700 net square feet in size. Vehicular access to each of the residential lots would be provided by proposed Lot “C,” which encompasses approximately 2.27 net acres of the site. The design of the residential lots creates two large open space areas. Open Space Lot “A” is located in the northeast corner of the property, adjacent to La Costa Avenue and the eastern project boundary, and comprises approximately 4.85 net acres of land. Open Space Lot “B” is located in the southern and western portions of the site, and encompasses approximately 32.63 net acres.

A Major Use Permit (MUP) is required pursuant to Section 30.16.020.A.1 of the Encinitas Municipal Code (EMC) in order to allow for lot area averaging. The lot sizes proposed by the TM, which range in size from 13,400 to 21,700 net square feet, would not be consistent with the underlying zoning designation of the site for Rural Residential 1 (RR-1). The RR-1 zoning designation requires a minimum net area of 1.0 acre per residential lot. MUP 05-157 would allow for reduced lot sizes in exchange for the conservation of sensitive coastal bluffs and wetlands on 37.48 net acres of the site as permanent open space.

A Design Review Permit (DR) is required pursuant to EMC Chapter 23.08 in order to demonstrate project consistency with the City’s Design Review Guidelines as well as other regulations regarding the physical development of the City, including the certified Local Coastal Program. As part of the project, a set of architectural design guidelines and a landscape concept/site plan have been prepared to address the requirements of EMC Chapter 23.08, as well as EMC 30.34.030B, which addresses the requirements for fire clearance slope encroachment.

In addition, a Coastal Development Permit (CDP) is required pursuant to EMC Chapter 30.80 because the proposed project site is located within the Coastal Zone of the City of Encinitas. The CDP is intended to demonstrate that the proposed project would be consistent with the City of Encinitas Local Coastal Program (LCP) as described in the General Plan.

In the case of the *Batiquitos Bluffs* project, the Lead Agency is the City of Encinitas. Public agencies which may have an interest in the project include: the City of Carlsbad, the Olivenhain Municipal Water District (OMWD), Leucadia Water District (LWD), U.S. Army Corps of Engineers (ACOE), U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), and the Regional Water Quality Control Board (RWQCB).

ES.4 ENVIRONMENTAL ANALYSIS

ES.4.1 SUMMARY OF PROJECT IMPACTS

Table ES-2, *Summary of Project Impacts*, provides a summary of significance for each of the issue areas analyzed in this EIR. As shown, issue areas that are addressed in this EIR include: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards & Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Energy & Mineral Resources, Noise, Population/Housing, Public Services, Recreation, and Transportation/Traffic.

The following list provides a brief summary for each of the issue areas that would require mitigation measures, identified in Table ES-2. The following also describes potential direct, indirect, and cumulatively significant impacts that could occur with project implementation, along with a brief description of mitigation measures provided to reduce those potential impacts to a level below significance.

Table ES-2 SUMMARY OF PROJECT IMPACTS

ISSUE AREA	IMPACTS NOT SIGNIFICANT	IMPACTS LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	IMPACTS SIGNIFICANT AFTER MITIGATION/MITIGATION NOT AVAILABLE
Land Use/Planning			✓✓
Biological Resources		✓✓	
Cultural Resources		✓✓	
Geology/Soils		✓✓	
Hazards & Hazardous Materials	✓✓		
Hydrology/Water Quality	<u>✓✓</u>	✓✓	
Noise		✓✓	
Aesthetics		✓✓	
Air Quality	✓✓		
Agricultural Resources	✓✓		
Mineral Resources	✓✓		
Population/Housing	✓✓		
Public Services	✓✓		
Recreation	✓✓		
Transportation/Traffic	✓✓		
Utilities/Service Systems	✓✓		

A. LAND USE

The proposed project would not substantially conflict with the Subregional Multiple Habitat Conservation Program. Although the project would be consistent with most of the General Plan policies which apply to the site, implementation of the proposed project would result in a direct conflict with Resource Management Element Policies 10.6 and 10.9, which prohibit the filling of Coastal Zone wetlands in association with private development projects. In order to achieve City standards for roadway design, an expanded roadway entrance would be required, and it is not possible to construct the required expanded entrance without causing direct impacts to on-site

wetland resources. Mitigation measures are not available to reduce this impact to a level below significance.

B. BIOLOGICAL RESOURCES

Significant direct impacts would occur to 0.17 acre of southern willow scrub (0.08 acre of southern willow scrub habitat is under jurisdiction of the CDFG and 0.09 acre is under jurisdiction of the ACOE, CDFG, and RWQCB), 0.18 acre of coyote brush scrub, 6.44 acre of disturbed coyote brush scrub, 2.92 acre of coastal sage scrub, 0.07 acre of disturbed coastal sage scrub, 0.11 acre of southern maritime chaparral, 0.27 acre of southern mixed chaparral, 0.40 acre of scrub oak chaparral, and 1.20 acre of annual non-native grassland. Mitigation measures are provided in EIR Section 4.2 which would reduce these impacts to a level below significance through on-site preservation/restoration/replacement of the impacts habitats.

Significant indirect impacts could occur to on-site vegetation communities due to trampling by humans traveling off-trail, invasion by exotic plants and animals, lighting, exposure to urban pollutants (e.g., fertilizers, pesticides, herbicides, and other hazardous materials), soil erosion, and hydrological changes (e.g., surface and groundwater level and quality). Indirect potential impacts to the gnatcatcher and nesting raptors would be mitigated to a level below significance with incorporation of the MHCP Adjacency Guidelines, to be included in the CC&Rs for the project. Mitigation measures are provided in EIR Section 4.2 which would reduce these impacts to a level below significance.

Project implementation would result in potentially significant direct impacts to approximately twenty (20) Del Mar sand aster individuals and one summer-holly individual and direct impacts to approximately 0.40-acre of scrub oak chaparral supporting four (4) Nuttall's scrub oak individuals. Implementation of mitigation measures provided in EIR Section 4.2 would avoid all potential impacts to the Del Mar sand aster. Impacts to Nuttall's scrub oak would be mitigated through replacement efforts.

Implementation of the proposed project also would result in direct and indirect impacts to the coastal California gnatcatcher, yellow breasted chat, and nesting raptors. Mitigation measures are identified in EIR Section 4.2 which would require pre-construction surveys and avoidance of areas determined to be occupied by these sensitive bird species.

As noted above under the discussion of Land Use, the proposed project would be consistent with the provisions of the MHCP, and a significant impact would not occur.

Finally, implementation of the proposed project would directly impact 0.17 acre of jurisdictional waters and wetlands (i.e., southern willow scrub), and these impacts are regarded as significant. Mitigation is provided in EIR Section 4.2, which proposes on-site restoration and creation of wetland habitat. With incorporation of the required mitigation, impacts would be reduced to a level below significance.

C. CULTURAL RESOURCES

Based on record searches and on-site surveys of the proposed project site by the project archaeologist, the proposed project site contains one historic and one pre-historic archaeological site (i.e., BB Site 1 and Site CA-SDI-6868, respectively). Both sites were subjected to testing to determine their potential for significance. Both on-site resources were determined not to meet the

definition for significance under the California Code of Regulations, Section 15064.5. However, there is a potential for uncovering subsurface archaeological deposits during grading activities, and this is regarded as a potentially significant impact. Mitigation is provided in EIR Section 4.3 which would require an archaeological mitigation and monitoring program during grading activities. With incorporation of the required mitigation, impacts to archaeological resources would be reduced to a level below significance.

On-site soil types present in the portions of the site to be disturbed by project grading activities are rated as having a “low” potential for containing paleontological resources. Accordingly, implementation of the proposed project would have no impact on paleontological resources.

D. GEOLOGY/SOILS

Implementation of the proposed project could result in or contribute to the exposure of people or structures to potential substantial adverse effects due to on- or off-site landslides, lateral spreading, collapse, seismic shaking, and liquefaction hazards. Mitigation measures are provided in EIR Section 4.0 which would reduce these impacts to a level below significance through compliance with the foundation and site preparation recommendations contained in the project-specific geotechnical report, included as Appendix F. Additionally, compliance with recommendations contained in the project-specific hydrology and water quality technical report shall be incorporated into the design and long-term operation of the proposed project; therefore, project implementation would not result in any significant impacts to geology/soils.

E. HYDROLOGY/WATER QUALITY

The northernmost portion of the proposed project site is located in an area identified as a 100-year flood zone by the Federal Emergency Management Agency (FEMA). However, project implementation would not result in the placement of housing or other structures within the on-site 100-year flood hazard area and therefore, potential impacts would not be significant. A technical study entitled, “Watershed Hydrology Study and Biofiltration Swale Sizing for the Batiquitos Bluffs project” was prepared for the project and is included in this EIR as Appendix L. Specifically, upon project implementation, the rate of runoff from the site would increase from 63.74 cfs to 92.34 cfs, which in turn could result in increased rates of erosion from the site, potential impacts to stormwater drainage systems, and on- and off-site flooding. Measures are provided in EIR Section 4.4 which would require the preparation of a final hydrology study prior to the issuance of grading permits which demonstrates that post-development runoff volumes do not exceed 63.74 cfs, and would ensure that project implementation does not exceed the capacity of existing or planned stormwater drainage systems. Potential impacts related to surface runoff would not be significant because 80% of the project site would remain unaffected by project implementation.

In accordance with City JURMP requirements, a project-specific hydrology and water quality study is required to specify treatment control BMPs to remove pollutants typically associated with urban runoff. The project proposes the use of Hydro Cartridge filters at all catch basins to filter urban pollutants from stormwater prior to discharge into the on-site detention basin. The Hydro Cartridge filters would reduce the post-development stormwater quality impacts to below a level of significance. The system would result in the removal and reduction of hydrocarbons, nitrates, nutrients, heavy metals, and sediment from the runoff for the proposed project, limiting such elements from reaching the drainage courses downstream. With compliance to JURMP requirements, as would be required as a standard condition of project approval, the project would not

violate water quality standards or waste discharge requirements, and a significant impact to water quality would not occur.

F. NOISE

Project implementation is not expected to result in a substantial increase in highway noise levels or ambient noise levels in the project vicinity, and noise associated with construction would not impact sensitive land uses. In addition, the proposed project would not result in the exposure of people to noise levels which exceed the City's adopted noise ordinance. There is a potential, however, for interior noise levels to exceed the CCR Title 24 noise abatement thresholds for interior noise volumes; this is regarded as a significant impact. Mitigation is provided in EIR Section 4.7 which would require the installation of specific noise attenuation measures like specialized door and window treatments that shall be depicted on the building plans. Lastly, project construction would not involve blasting or rock crushing and would therefore not expose people to groundborne excessive vibrations or noise levels. With incorporation of the mitigation measures provided in EIR Section 4.7, significant impacts associated with noise would not occur with project implementation.

G. AESTHETICS

Project implementation would not result in a substantial change to natural topography or other ground surface relief features. Slopes in excess of 25 percent gradient have been avoided through design and steep slopes would be preserved. Brush management and the associated clearing of native vegetation could potentially cause a direct impact to visual quality resources; however with implementation of the mitigation measures provided in EIR Section 4.8, views from public viewing areas, vistas, and open spaces would not be significantly impacted. In addition, the project would minimize impacts from public viewing areas by restricting residential development to a maximum of one-story (18 feet maximum). The proposed project is adjacent to a senior housing development currently under construction and an existing residential neighborhood is also located at the top of the bluffs to the west but separated by an elevation of 300 feet. Views from local commercial areas east of El Camino Real would also not be significantly affected by the proposed development.

H. AIR QUALITY

Proposed construction activities, including grading, would not result in a significant air quality impact since levels would not rise above San Diego Air Pollution Control District (SDAPCD) thresholds. Compliance with the City's Grading Ordinance would ensure that significant amounts of PM10 would not be generated. There are no sensitive receptors near the proposed development that would be impacted by odors associated with construction activities; therefore, construction activities associated with the proposed project would not result in any significant impacts to air quality or odor.

In the long-term scenario, the primary source of air pollution associated with the proposed project would be due to the project's worst-case trip generation level of 200 vehicle trips per day. However, predicted vehicle trip emissions would not violate any of the significance thresholds established by the SDAPCD. Odors associated with long-term operation of the project would not be significant; therefore, impacts associated with air quality resulting from project implementation would not be significant.

I. AGRICULTURAL RESOURCES

The proposed project site does not contain any soils that are mapped as Prime, Statewide Important, or Unique farmland and is not located within an Agricultural Preserve or lands under a Williamson

Act contract. Based on the adopted residential land use designation for the site, the Encinitas General Plan does not designate the project site for agricultural use. In addition, the vast majority of the site is prohibited from potential agricultural activities due to steep slopes, surrounding development, and wetlands. Therefore, a significant impact to agricultural resources would not occur.

J. MINERAL RESOURCES

The proposed project is located in an “MRZ-3” Mineral Resource Zone, which indicates that there are no known mineral resources in the project vicinity. The project is not classified or designated by the State as containing mineral resources that would be of value to the region or the residents of the State. In addition, the subject property does not contain any aggregate mines. Therefore, a significant impact to mineral resources would not occur.

K. POPULATION/HOUSING

The project site is located on vacant land and would not displace existing housing. The project would not increase the demand for low-income housing nor would the project cumulatively exceed population or housing growth projections beyond that which is already planned by the City and projected by the San Diego Association of Governments. Therefore, a significant impact would not occur.

L. PUBLIC SERVICES

The proposed project would cumulatively impact fire, sheriff, schools, libraries, and health services by incrementally contributing to the demand for new or expanded facilities to meet growing needs. As a required condition of project approval, the applicant would be required to contribute a fair share for the provision of public services and facilities to ensure that adequate service would be available to future residents. Because the project would contribute towards the cost of new or expanded public services, a significant impact would not occur.

M. RECREATION

Project implementation is not anticipated to result in the need for new or expanded parkland facilities beyond those that have already been planned for within the City. As a standard condition of project approval, the proposed project would be conditioned to pay in-lieu park fees which would be used towards the expansion or creation of parkland facilities in the City. With payment of standard in-lieu fees, impacts to recreation would not occur.

N. UTILITIES/SERVICE SYSTEMS

The proposed project would be served by electrical power and natural gas by SDG&E, communication services would be provided by Pacific Bell, water services would be provided by the Olivenhain Municipal Water District (OMWD), sewer services would be provided by the Encinitas Wastewater Authority, and solid waste disposal would be addressed by the County of San Diego Integrated Waste Management Plan (IWMP). Project implementation is not anticipated to significantly impact the levels of service for any of these utility providers, and would not result in the need for new or substantial alterations to existing facilities which would result in significant environmental impacts. The project would generate the need for expanded water and wastewater treatment facilities and as a component of the project, would install water lines on-site. Impacts associated with the construction of an 8-inch water line and 6-inch sewer line have been addressed throughout this EIR, and where appropriate, mitigation measures are provided to reduce impacts to a

level below significance. Stormwater discharge from the proposed project site would not increase with development of the proposed project (with implementation of Mitigation Measure 4.4-F.1). The proposed project would not be regarded as an energy-intensive land use and as such, would not result in a conflict with adopted energy conservation plans. Development would be required to comply with Title 24 of the California Code of Regulations regarding energy efficiency.

O. TRAFFIC AND TRANSPORTATION

Based on the project-specific traffic analysis, it is anticipated that project implementation would result in a maximum of 200 ADT, with approximately 16 trips occurring in the AM peak hour and 20 occurring in the PM peak hour.

In the near term scenario, all study segments are anticipated to operate at LOS “A” and all study intersections are anticipated to operate a LOS “C” or better, and are therefore not regarded as significant. Traffic conditions would also not conflict with The San Diego Association of Governments (SANDAG) state-mandated Congestion Management Plan (CMP). The project proposes to construct a 180-foot long eastbound deceleration lane adjacent to the project site and west of the proposed access from La Costa Avenue to account for the eastbound 85th percentile speeds of 69.1 MPH. Also, a stop sign at the project exit would be installed. The proposed project is consistent with its residential land use designation and would not introduce incompatible uses to the project vicinity. No other impacts to traffic or transportation would occur as the project does not propose construction of new public roads or bike trails.

ES.4.2 UNMITIGABLE SIGNIFICANT IMPACTS

As indicated in Table ES-2, the project’s impact to land use is a significant and unmitigable impact as described below.

- **Significant and Unmitigable Impact to Land Use.** The proposed project would be required to construct an expanded entrance into the site in order to achieve City standards for roadway design (installation of a soft-bottomed culvert and crossing at the entrance into the project site from La Costa Avenue). The construction of a soft-bottomed culvert and crossing would result in direct impacts to 0.17 acre of wetland habitat. This anticipated impact represents a direct conflict with the General Plan Resource Management Element Policies 10.6 and 10.9, which prohibit the filling of Coastal Zone wetlands in association with private development projects. Mitigation measures are not available to reduce this impact, and there are no alternatives identified to the proposed project which would fully eliminate this impact. Therefore, the project’s anticipated impact to 0.17 acre of wetland habitat represents a significant impact to land use for which mitigation is not available.

ES.5 ALTERNATIVE PROPOSED TO REDUCE OR AVOID IMPACTS

As discussed in EIR Section 7.0, Alternatives to the proposed project, the following alternatives are under consideration and may help to reduce significant impacts of the project. Land uses proposed by each of the three alternatives are summarized in Table ES-3, and each alternative is described below.

ES.5.1 NO DEVELOPMENT ALTERNATIVE

The No Development Alternative assumes that no development occurs on the property, and the site would remain as natural open space. Implementation of the No Development Alternative would reduce all of the impacts associated with the project to below a level of significance. Implementation of No project Alternative would eliminate the project's anticipated conflict with General Plan policies protecting wetlands, but would fail to provide land uses identified in the General Plan or provide housing units anticipated by the Housing Element. In addition, the No project Alternative would fail to meet most of the project's goals and objectives, as identified in EIR section 3.1, *Statement of Objectives*.

ES.5.2 20-FOOT ACCESS ALTERNATIVE

As part of this alternative, the required crossing from La Costa Avenue would be constructed at a width of 20 feet, in lieu of the 40-foot crossing proposed by the project. Compared to the proposed project, implementation of the 20-Foot Access Alternative would reduce impacts to biological and wetland resources, while all other impacts would remain the same. However, with implementation of the 20-Foot Access Alternative, impacts to land use/planning would remain significant and unmitigable because the required crossing still would result in unavoidable impacts to approximately 0.05 acre of wetlands. This alternative would achieve all of the project's objectives as listed in EIR Section 3.1.

ES.5.3 32-FOOT ACCESS ALTERNATIVE

The 32-Foot Access Alternative proposed to provide for a 32-foot crossing over the on-site wetland resources, in lieu of the 40-foot crossing proposed by the project. Implementation of the 32-Foot Access Alternative would reduce impacts to biological resources, as impacts to wetland resources would be reduced. All other impacts would be similar to the proposed project. Impacts to land use/planning would remain significant because the 32-Foot Access Alternative would not eliminate the project's anticipated conflict with Resource Management Policies 10.6 and 10.9. The 32-Foot Access Alternative would achieve all of the objectives of the project, as identified in EIR Section 3.1.

ES.5.4 ENVIRONMENTALLY SUPERIOR LARGE FOUR-LOT ALTERNATIVE

Under the ~~Environmentally Superior Alternative (ESA)~~ Large Four-Lot Alternative, four dwelling units are proposed and a 16-foot crossing would be constructed to provide access to the site. Compared to the proposed project, the Large Four-Lot Alternative ~~ESA~~ would reduce impacts to biological resources, noise, aesthetics, and air quality. However, impacts to land use/planning would remain significant, as the Large Four-Lot Alternative ~~ESA~~ would not eliminate the project's anticipated conflict with General Plan policies protecting wetlands. The Large Four-Lot Alternative ~~ESA~~ would not be consistent with the main objective of the project, since it does not provide 19 single-family detached homes on-site, but would achieve all of the other goals and objectives of the project, as identified in EIR Section 3.1.

ES.5.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The Environmentally Superior Alternative (ESA) would reduce the development footprint in an effort to reduce impacts to sensitive plant and animal species and vegetation communities. Figure 7-5, Small 4-Lot Alternative, depicts the land uses proposed under the ESA. Under this alternative, the

total number of residential units would be reduced from 19 to four (4) as compared to the proposed project. Lot sizes proposed by the ESA would be a minimum of 16,500 square feet. Implementation of the ESA would result in a smaller area of ground disturbance (including fuel modification activities) as compared to the proposed project. Accordingly, this alternative would eliminate the project’s significant impact to the Del Mar sand aster, Nutall’s scrub oak, and the summer-holly. In addition, impacts to wetlands would be reduced from 0.17-acre to 0.04-acre under this alternative due to the construction of a 16-foot wide access road, as opposed to the 40-foot wide access road proposed by the project.

Table ES-3 SUMMARY OF ALTERNATIVES TO THE PROPOSED PROJECT

ALTERNATIVE	DWELLING UNITS	POPULATION ¹	ACREAGE ²			
			RESIDENTIAL	OPEN SPACE	CIRCULATION	TOTAL
Proposed Project	19	48	6.8	37.5	2.3	46.5 ³
No Development Alternative	--	--	--	46.5	--	46.5
20-Foot Access Alternative	19	48	6.9	37.4	2.2	46.5
32-Foot Access Alternative	19	48	6.9	37.3	2.3	46.5
<u>Large Four-Lot Alternative</u>	4	10	8.2	37.4	0.9	46.5
Environmentally Superior Alternative	<u>4</u>	<u>10</u>	<u>1.5</u>	<u>44.3</u>	<u>0.7</u>	<u>46.5</u>

1. Assumes 2.52 persons per household, per 2000 Census data provided by SANDAG.
2. Proposed Project acreage values have been rounded to the nearest tenth of an acre.
3. Acreage totals for the proposed Project reflect rounding.

ES.6 EIR SUMMARY MATRIX (MMRP)

ENVIRONMENTAL ELEMENT	ENVIRONMENTAL IMPACTS	MITIGATION MEASURES	UNAVOIDABLE ADVERSE IMPACTS
4.1 Land Use			
Consistency with Encinitas General Plan	Implementation of the proposed project would result in direct impacts to 0.17 acre of on-site wetlands. These impacts to Coastal Zone wetlands represent a direct conflict with Resource Management Element Policies 10.6 and 10.9, which prohibit the filling of wetlands in association with private development projects.	No mitigation available.	Yes
4.2 Biological Resources			
Impacts to Sensitive Habitats	Implementation of the proposed project would result in direct impacts to impacts to 0.17 acre of southern willow scrub (including all variants), 0.18 acre of coyote brush scrub, 6.44 acre of disturbed coyote brush scrub, 2.92 acres of coastal sage scrub, 0.07 acre of disturbed coastal sage scrub, 0.11 acre of southern maritime chaparral, 0.27 acre of southern mixed chaparral, 0.40 acre of scrub oak chaparral, and 1.20 acres of annual non-native grassland; however, these impacts would be reduced to a level below significance with implementation of Mitigation Measures 4.2-A.1 through 4.2-A.5. Indirect impacts to on-site vegetation communities due to trampling by humans traveling off-trail, invasion by exotic plants and animals, lighting, exposure to urban pollutants (e.g., fertilizers, pesticides, herbicides, and other hazardous materials), soil erosion, and hydrological changes (e.g., surface and groundwater level and quality). Indirect impacts are addressed by Mitigation Measures 4.2-B.1 through 4.2-B.17.	<p>4.2-A.1 Prior to the issuance of grading or clearing permits, impacts to 0.17-acre of southern willow scrub shall be mitigated at a 7:1 ratio, including enhancement of southern willow scrub at a 1.4:1 ratio (<i>i.e.</i>, 0.24-acre) and creation of southern willow scrub at a 5.61:1 ratio (<i>i.e.</i>, 0.95-acre) on-site. The location of the mitigation areas will be on-site, within and adjacent to Encinitas Creek shall be as specified in the Draft Wetlands Mitigation and Monitoring Plan, or as otherwise required by a final wetlands mitigation and monitoring plan which shall be reviewed and approved by the USFWS and CDFG. On-site mitigation areas shall total not less than 1.19 acres.</p> <p>4.2-A.2 Prior to the issuance of grading or clearing permits, impacts to 0.18-acre of coyote brush scrub, 6.44-acres of disturbed coyote brush scrub, 2.92 acres of coastal sage scrub, and 0.07-acre of disturbed coastal sage scrub shall be mitigated at a 2:1 ratio on-site. Of the required 19.22 acres mitigation requirement, only 12.89 acres of coastal sage scrub habitat are available on-site. The resulting 6.33 acre deficit will be mitigated by preserving a higher tier of habitat and utilizing 6.33 acres of southern maritime chaparral as on-site mitigation credit.</p> <p>4.2-A.3 Prior to the issuance of grading or clearing permits, impacts to 0.11-acre of southern maritime chaparral shall be mitigated through on-site preservation of southern maritime chaparral at a 3:1 ratio on-site, resulting in a total on-site mitigation requirement of 0.33 -acre.</p> <p>4.2-A.4 Prior to the issuance of grading or clearing permits, impacts to 0.27-acre of southern mixed chaparral and 0.40-acre of scrub oak chaparral shall be mitigated through on-site preservation of these</p>	No

ENVIRONMENTAL ELEMENT	ENVIRONMENTAL IMPACTS	MITIGATION MEASURES	UNAVOIDABLE ADVERSE IMPACTS
		<p>habitat types at a 1:1 ratio, resulting in a total on-site mitigation requirement of 0.27-acre of southern mixed chaparral and 0.40-acre of scrub oak chaparral.</p> <p>4.2-A.5 Prior to the issuance of grading or clearing permits, impacts to 1.20 acres of annual non-native grassland shall be mitigated through on-site preservation of annual (non-native) grassland at a 0.5:1 ratio, resulting in a total on-site mitigation requirement of 0.60 acre. Of the required 0.60-acre mitigation requirement, only 0.50-acre of non-native grassland habitat is available on-site. The resulting 0.10-acre deficit will be made up by preserving 0.10-acre of southern maritime chaparral, a higher-tier habitat type, as on-site mitigation credit.</p> <p>4.2-B.1 Prior to the issuance of a Final Map for the project, a Final Drainage Study shall be submitted to the Planning and Building and Engineering Services Departments for review and approval. The Final Drainage Study shall demonstrate that runoff from the developed portions of the site are directed away from open space preserve areas on and adjacent to the site. The Final Drainage Study also shall adhere to the City’s Grading, Erosion, and Sediment Control Ordinance and Storm Water Best Management Practices Manual for New Development and Redevelopment.</p> <p>4.2-B.2 Final grading plans for the site shall clearly depict the water quality BMPs proposed to prevent the release of chemical and natural elements into on-site and adjacent open space preserve areas. Water quality BMPs that shall be depicted on final grading plans are specified in the project’s water quality management plan (refer to Appendix L to this EIR).</p> <p>4.2-B.3 Prior to the issuance of grading permits, the Planning and Building Department shall review street improvement plans to ensure that outdoor lighting is focused and directed to the specific location (e.g., roads, walkways), shielded to avoid the production of glare, and that up-light and light spill have been minimized. This review also shall ensure that fixtures are located, aimed, or shielded to minimize stray light on on- or off-site open space preserve areas, and that light design consists of down-cast, low glare, full-cutoff shields to minimize light and glare on surrounding open space areas.</p> <p>4.2-B.4 Prior to the issuance of the first occupancy permit, a provision shall be established in the project Homeowner Association CC&Rs to</p>	

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		<p>regulate the use of outdoor lighting. The provision in the CC&Rs shall require that fixtures are located, aimed, or shielded to minimize stray light affecting on- or off-site open space preserve areas, and shall further require that lighting design consists of down-cast, low glare, full-cutoff shields to minimize light and glare on surrounding open space areas.</p> <p>4.2-B.5 Prior to the issuance of grading and building permits, the following measures shall be included on the project’s grading and building plans:</p> <p>A. Project construction and brush clearing activities within 500 feet of on- and off-site coastal sage scrub or coyote bush scrub shall occur outside of the gnatcatcher breeding season (March 1 to August 31, or sooner if a qualified biologist demonstrates to the satisfaction of the wildlife agencies and Encinitas Planning and Building Department that all nesting is complete); <u>project construction and brush clearing activities within 500 feet of on- and off-site riparian habitat shall occur outside of the least Bell’s vireo and southwestern willow flycatcher breeding seasons (March 15 to September 15); and project construction and brush clearing activities within 500 feet of raptor habitat (e.g., eucalyptus woodland) shall occur outside the raptor breeding season (January 1 to August 31), unless a qualified biologist demonstrates to the satisfaction of the Wildlife Agencies and Encinitas Planning and Building Department that all nesting is complete (as specified below in 4.2-B.5.B).</u></p> <p>B. If project construction or brush clearing activities are necessary within 500 feet of on- and off-site coastal sage scrub or coyote bush scrub during the bird <u>gnatcatcher</u> breeding season (March 1 to August 31), or <u>within 500 feet of on- and off-site riparian habitat during the least Bell’s vireo and southwestern willow flycatcher breeding seasons (March 15 to September 15), or within 500 feet of eucalyptus woodland during the raptor breeding season (January 1 to August 31)</u>sooner if a qualified biologist demonstrates to the satisfaction of the wildlife agencies and Encinitas Planning and Building Department that all nesting is complete), a qualified biologist shall conduct pre-construction surveys in the habitat to determine the location of any active bird nests in the area, including raptors and ground nesting birds. The survey should begin not more than three <u>seven</u> days prior to the beginning of construction or brush clearing activities. The Wildlife Agencies shall be notified if any nesting birds are found. During</p>	

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		<p>construction, no activity shall occur within 300 feet of active nesting territories (500 feet for raptors or listed species), unless noise attenuation measures are implemented to minimize the noise and disturbance to those adjacent birds. Exceptions to this measure includes cases where surveys confirm that adjacent habitat is not occupied or where noise studies confirm that construction noise levels are below 60 dBA hourly Leq along the edge of adjacent habitat. If construction activities are not completed prior to the breeding season and noise levels exceed this threshold, noise barriers shall be erected to reduce noise impacts to occupied habitat to below 60 dBA hourly Leq and/or the culpable activities shall be suspended.</p> <p>C. A monitoring biologist, approved by the Wildlife Agencies and Encinitas Planning and Building Department, shall be on-site during project grading, building construction and brush clearing activities within 500 feet of on- and off-site coastal sage scrub or coyote bush scrub <u>and riparian habitat</u> to ensure compliance with all conservation measures. The biologist must be knowledgeable of gnatcatcher, <u>Least Bell's vireo, and Southwestern willow flycatcher</u> biology and ecology. The applicant shall submit the biologist's name, address, telephone number, and work schedule on the project to the Wildlife Agencies and Encinitas Planning and Building Department at least seven days prior to initiating project impacts. The biologist shall perform the following duties:</p> <p>a. Perform a minimum of three focused surveys, on separate days, to determine the presence of gnatcatchers, <u>vireo, or flycatcher</u>, nest building activities, egg incubation activities, or brood rearing activities in or within 500 feet of project construction <u>areas</u> or brush clearing activities proposed <u>within during or outside</u> the gnatcatcher, <u>vireo, and flycatcher</u> breeding seasons. The surveys will begin a maximum of three <u>seven</u> days prior to vegetation clearing/grubbing or project construction and one survey will be conducted the day immediately prior to the initiation of work. <u>If any sensitive bird species are found within the project footprint, the biologist will direct construction personnel to begin vegetation clearing in an area away from the sensitive species. In addition, the biologist will walk ahead of clearing/grubbing equipment to flush birds towards areas of coastal sage scrub and riparian habitat to be avoided. It will be the responsibility of the biologist to ensure that gnatcatchers,</u></p>	

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		<p><u>vireos, and flycatchers will not be injured or killed by vegetation clearing/grubbing. The biologist will also record the number and location of gnatcatchers, vireos, and flycatchers disturbed by vegetation clearing/grubbing.</u> The applicant will notify the Wildlife AgenciesUSFWS and Encinitas Planning and Building Department at least seven days prior to the initiation of surveys, and within 24 hours of locating any gnatcatchers<u>vegetation clearing/grading to allow the service to coordinate with the biologist on bird flushing activities.</u></p> <p>b. If a gnatcatcher, <u>vireo, or flycatcher</u> nest is found in or within 500 feet of project construction, the biologist will postpone work within 500 feet of the nest and submit the following to the Wildlife Agencies for review and approval: 1) a noise attenuation plan that includes noise barriers erected to reduce noise impacts to occupied habitat to below 60 dBA hourly Leq and/or suspension of culpable activities to avoid/ minimize impacts to nesting birds; and 2) a nest monitoring program. Subsequent to wildlife agency approval of the noise attenuation plan and nest monitoring program, work may be initiated subject to implementation of the approved plan/program. Nest success or failure will be established by regular and frequent trips to the site, as determined by the biologist and through a schedule approved by the Wildlife Agencies. The biologist will determine whether bird activity is being disrupted. If the biologist determines that bird activity is being disrupted, the applicant will stop work and coordinate with the Wildlife Agencies to review the avoidance/minimization approach. Coordination between the applicant and Wildlife Agencies to review the avoidance/minimization approach will occur within 48 hours. Upon agreement as to the necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued nesting monitoring. <u>Additional surveys will be done once a week during project construction in the breeding season. These additional surveys may be suspended as approved by the Wildlife Agencies. The applicant will notify the Wildlife Agencies at least seven days prior to the initiation of surveys, and within 24 hours of located any sensitive bird species.</u> Nest monitoring will continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by the Wildlife Agencies;</p>	

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		<p>c. Be on-site during all project construction within 500 feet of gnatcatcher, vireo, and flycatcher habitat to be avoided;</p> <p>d. Inspect the fencing and erosion control measures within or up-slope of habitat preservation areas a minimum of once per week and daily during all rain events to ensure that any breaks in the fence or erosion control measures are repaired immediately;</p> <p>e. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust;</p> <p>f. Train all contractors and construction personnel on the biological resources associated with this project and ensure that training is implemented by construction personnel. At a minimum, training will include; 1) the purpose for resource protection; 2) a description of the gnatcatcher, vireo, and flycatcher and itstheir habitat(s); 3) all conservation measures and practices that should be implemented during project construction to conserve the gnatcatcher, vireo, and flycatcher, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); 4) the protocol to resolve conflicts that may arise at any time during the construction process; 5) the general provisions of the Act, the need to adhere to the provisions of the Act, the penalties associated with violating the Act;</p> <p>g. Halt work, if necessary, and confer with the Wildlife Agencies to ensure the proper implementation of species and habitat protection measures. The biologist will report any violation to the Wildlife Agencies within 24 hours of its occurrence;</p> <p>h. Submit weekly letter reports (including photographs of impact areas) to the Wildlife Agencies during clearing of upland and riparian habitat and/or construction within 500 feet of avoided habitat. The weekly reports will document that authorized impacts were not exceeded, work did not occur within the 500-foot setback except as approved by the Wildlife Agencies, and general compliance with all conditions. The reports will also outline the duration of gnatcatcher, vireo, and</p>	

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		<p><u>flycatcher monitoring, the location of construction activities, the type of construction which occurred, and equipment used. These reports will specify numbers, locations, and sex of gnatcatchers, vireos, and flycatchers (if present), observed gnatcatcher, vireo, and flycatcher behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize, and mitigate impacts to gnatcatchers, vireos, and flycatchers. Raw field notes should be available upon request by the Wildlife Agencies.</u></p> <p>h_i. The biological monitor will submit a final report to the Wildlife Agencies within 60 days of project completion that includes: as-built construction drawings with an overlay of habitat that was impacted and avoided, photographs of habitat areas that were to be avoided, and other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with all conditions of this EIR was achieved.</p> <p>D. The applicant shall ensure that the following conditions are implemented during project construction:</p> <ul style="list-style-type: none"> a. Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint; b. To avoid attracting predators of the gnatcatcher, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site; c. Pets of project personnel shall not be allowed on the project site; d. Disposal or temporary placement of excess fill, brush or other debris shall not be allowed in waters of the United States or their banks; e. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas outside of waters of the United States within the fenced project impacts limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent 	

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		<p>practicable in such a manner as to prevent any runoff from entering waters of the United States, and shall be shown on the construction plans. Fueling of equipment shall take place within existing paved areas greater than 100 feet from waters of the United States. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. “No-fueling zones” shall be designated on construction plans.</p> <p>4.2-B.6 Prior to the issuance of building permits, project landscape plans shall be reviewed and approved by the Planning and Building Department. The applicant shall ensure that development landscaping does not include exotic plant species that may be invasive to native habitats. Exotic plant species not to be used include those species listed on Lists A and B of the California Invasive Plant Council’s (Cal-IPC) list of “Exotic Pest Plants of Greatest Ecological Concern in California as of October 1999.” This list includes such species as pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. A copy of the complete list can be obtained from Cal-IPC’s web site at http://www.cal-ipc.org. In addition, landscaping should not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to preserve areas and water runoff from landscaped areas should be directed away from the biological conservation easement area and contained and/or treated within the development footprint. The applicant shall submit a draft list of species to be included in the landscaping to the Wildlife Agencies for approval at least 30 days prior to initiating project impacts. The applicant shall submit to the Wildlife Agencies the final list of species to be included in the landscaping plan within 30 days of receiving approval of the draft list of species.</p> <p>4.2-B.7 Prior to the issuance of building permits, building plans shall state that all outdoor lighting on the project site shall be shielded with full-cutoff light fixtures and directed away from adjacent native habitat areas. The applicant shall ensure that development lighting adjacent to all on- or off-site habitat shall be directed away from and/or shielded so as not to illuminate native habitats. The applicant shall submit a lighting plan to the Wildlife Agencies at least 30 days prior to initiating project impacts. If night work is necessary, night lighting shall be of the lowest illumination necessary for human safety, selectively placed, shielded and directed away from natural habitats.</p>	

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		<p>4.2-B.8 Prior to the issuance of grading permits, the on- and off-site native habitat areas shall be protected with on-site construction fencing in any areas where it has been determined that a noise attenuation barrier is unnecessary. The construction fencing shall be portrayed on the construction plans to the satisfaction of the Wildlife Agencies and the Planning and Building Department. The applicant shall submit to the Wildlife Agencies and the Planning and Building Department for approval, at least 30 days prior to initiating project impacts, the final plans for initial clearing and grubbing of sensitive habitat and project construction. These final plans shall include photographs that show the fenced limits of impact and all areas (including riparian/wetland or coastal sage scrub) to be impacted or avoided. In addition, (The construction plans shall specify that construction fencing shall be maintained for the entire duration of construction activity until permanent fencing is installed.</p> <p>The project applicant shall temporarily fence (with silt barriers) the limits of project impacts (including construction staging areas and access routes) to prevent additional gnatcatcher habitat impacts and prevent the spread of silt from the construction zone into adjacent gnatcatcher habitats to be avoided. Fencing shall be installed in a manner that does not impact habitats to be avoided. If work occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the Wildlife Agencies. Any coastal sage scrub (CSS) impacts that occur shall be mitigated at a minimum 5:1 ratio. Temporary construction fencing shall be removed upon project completion.</p> <p>4.2-B.9 Prior to the issuance of occupancy permits, the applicant shall install permanent protective fencing along any interface with developed areas and/or use other measures approved by the Wildlife Agencies to deter human and pet entrance into on- or off-site habitat. Fencing should have no gates and be designed to prevent intrusion by pets, especially cats. Signage for the biological conservation easement area shall be posted and maintained at conspicuous locations. Plans for fencing and/or other preventative measures shall be submitted to the Wildlife Agencies and Encinitas Planning and Building Department for approval at least 30 days prior to initiating project impacts.</p> <p>4.2-B.10 Impacts from fugitive dust shall be avoided and minimized through watering and other appropriate measures.</p>	

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		<p>4.2-B.11 Any planting stock to be brought onto the project site for landscape or habitat creation/restoration/enhancement shall be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to, Argentine ants (<i>Iridomyrmex humil</i>), fire ants (<i>Solenopsis invicta</i>) and other insect pests. Any planting stock found to be infested with such pests shall not be allowed on the project site or within 300 feet of natural habitats. The stock shall be quarantined, treated, or disposed of according to best management principals by qualified experts in a manner that precludes invasions into natural habitats. The applicant shall ensure that all temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used, for landscape or habitat creation/restoration/enhancement.</p> <p>4.2-B.12 Prior to issuance of a Final Map for the project, <u>the applicant shall execute and record a perpetual biological conservation easement, dedicated to the California Department of Fish and Game, shall be recorded over Lots “A” and “B.” over the sensitive habitat to be avoided/preserved on-site (including any restoration/enhancement areas) by the project. The easement shall be in favor of an agent approved by the Wildlife Agencies. The Wildlife Agencies shall be named as third-party beneficiaries. The easement shall be approved by the Wildlife Agencies and the Encinitas Planning and Building Department prior to its execution and should follow a Wildlife Agency-approved template. There should be no active trails in the easement areas. The project applicant shall submit a draft easement to the Wildlife Agencies and the Encinitas Planning and Building Department for review and approval at least 30 days prior to initiating project impacts. The project applicant shall submit a final easement and evidence of its recordation to the Wildlife Agencies and the Encinitas Planning and Building Department within 60 days of receiving approval of the draft easement.</u></p> <p>4.2-B.13 Prior to the issuance of grading permits, the applicant shall submit a Habitat Management Plan for Lots “<u>A21</u>” and “<u>B22</u>” to the Wildlife Agencies and Planning and Building Department for review and approval. <u>The applicant shall submit a draft of the Habitat Management Plan to the Wildlife Agencies and the Planning and Building Department at least 30 days prior to initiating project impacts.</u> The plan should identify an appropriate natural lands management organization (subject to approval of the Wildlife Agencies) to ensure</p>	

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		<p>the conservation of biological resources within Lots “A21” and “B22” in perpetuity. <u>The plan shall include the proposed land manager’s name, qualifications, business address and contact information.</u> The plan should outline actions that will be taken to manage, <u>maintain, and monitor</u> the on-site biological resources. A Property Analysis Record (PAR) or similar analysis should be used to estimate initial start-up costs and on-going annual costs of management activities outlined in the plan. A financial mechanism (e.g., a non-wasting endowment) should be established to ensure that the funding is available to implement the management plan prior to, or concurrent with the initiation of construction. The approved natural land management organization shall implement the management plan. <u>The applicant shall submit the final plan and a contract with the approved land manager to the Wildlife Agencies and the Planning and Building Department within 60 days of receiving approval from the Wildlife Agencies on the draft plan. In addition, the applicant shall transfer the funds for the non-wasting endowment to the non-profit conservation entity identified in the Habitat Management Plan to manage the site within 60 days of receiving approval from the Wildlife Agencies on the draft plan.</u></p> <p>4.2-B.14: Prior to the issuance of building permits, a fencing plan shall be prepared and submitted to the Planning and Building Department for review and approval. The fencing plan shall require the construction of physical barriers as necessary to prevent intrusion of pets and people into on- and off-site open space preserve areas. Maintenance of fencing not on individual development lots shall be the responsibility of the HOA.</p> <p>4.2-B.15: Prior to the issuance of grading permits, the Planning and Building Department shall review final landscaping plans for the site to ensure that the proposed landscaping elements are consistent with the landscaping restriction requirements of the MHCP Adjacency Guidelines. These requirements include restrictions on the use of non-native species adjacent to the preserved areas; requirements for restoring weedy areas adjacent to the preserve; irrigation requirements; and brush management requirements. In addition, the landscaping restriction requirements of the MHCP Adjacency Guidelines shall be included within the CC&Rs for the project.</p> <p>4.2-B.16: <u>The applicant shall develop a resident education program in coordination with the Planning and Building Department, CDFG, and</u></p>	

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		<p><u>the USFWS. At least 30 days prior to initiating project impacts, this program shall be submitted to and approved by the Planning and Building Department and the Wildlife Agencies. The program shall advise residents of the potential impacts to the listed species and the potential penalties for taking such species. At a minimum, the program shall provide information pamphlets to all residents and shall include the following topics: occurrence of the listed and sensitive species in the area; their general ecology; sensitivity of the species to human activities; the purpose of the signage and/or fencing between development and the areas within the conservation easements; how to prevent the spreading of non-native ants and other insect pests from developed areas into preserved areas; impacts from free-roaming pets (particularly domestic and feral cats); legal protection afforded these species; penalties for violations of Federal and State laws; reporting requirements; and project features designed to reduce the impacts to these species and promote continued successful operation of the preserved areas. The applicant shall submit to the City of Encinitas, USFWS, and CDFG the final program within 60 days of receiving approval of the draft program.</u></p> <p><u>4.2-B.17: Prior to the issuance of building permits, a measure shall be included on the project’s building plans requiring the use of treated and non-reflective glass to reduce the amount of indoor light shining out through the windows at dusk and dark in order to minimize the frequency of avian collisions.</u></p>	
Impacts to Sensitive Species	<p>Implementation of the proposed project would result in a direct loss of approximately 0.40-acre of scrub oak chaparral supporting four (4) Nuttall’s scrub oak individuals, 0.18 acre of coyote brush scrub, 6.44 acres of disturbed coyote brush scrub, 2.92 acres of coastal sage scrub, and 0.07 acre of disturbed coastal sage scrub, in addition to indirect impacts to 20 Del Mar sand aster individuals and one (1) summer-holly individual . Impacts to these sensitive species are addressed by Mitigation Measures 4.2-C.1 and 4.2-C.2. Indirect impacts to the California gnatcatcher, raptors, and other sensitive species would be mitigated by Mitigation Measures 4.2-A.2 and 4.2-B.1 through 4.2-B.15, as addressed above.</p>	<p>4.2-C.1 Prior to the issuance of the first occupancy permit, the following measures shall be included in the Master Homeowner Association CC&Rs:</p> <p>A. Hand-thinning shall be required for all brush management activities. <u>Hand-thinning activities in areas surrounding the Del Mar sand aster shall only occur between May and September (when the species is most visible based on the blooming status of reference populations) under the supervision of a qualified biologist. The remainder of the FMZ shall be hand-thinned between September 1 and February 29 (outside of the avian breeding season) under the supervision of a qualified biologist.</u></p> <p>B. The Master Homeowner Association shall contract with a qualified Biological Resources Consultant prior to the initiation of any brush clearing activities. The Master Homeowner Association shall</p>	No

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		<p>submit the biologist’s name, address, telephone number, and work schedule on the project site to the Encinitas Planning and Building Department at least seven days prior to initiating brush thinning activities. The monitoring biologist shall perform the following duties:</p> <ul style="list-style-type: none"> a. At least 10 days prior to initiation of brush clearing activities, the monitoring biologist shall perform a focused survey of the fuel modification area and shall flag and photograph all Del Mar sand aster individuals and summer-holly individuals located within the fuel modification zone. The results of this focused survey, including photographs, shall be submitted to the Encinitas Planning and Building Department prior to the initiation of brush clearing activities. b. The monitoring biologist shall train all landscape contractor personnel to ensure that brush thinning activities avoid the identified locations of the summer-holly and Del Mar sand aster individuals. c. The biological monitor will submit a final report to the Planning and Building Department within 30 days of completion of brush management activities. The report shall include photographs of sensitive plants that were avoided during brush management activities, and shall include a statement, signed by the monitoring biologist, verifying that the required monitoring occurred and that no unauthorized impacts to the Del Mar sand aster or summer-holly individuals occurred during brush management activities. d. The monitoring biologist shall report to the Wildlife Agencies and the Planning and Building Department within 24 hours if any unauthorized impacts to Del Mar sand aster or summer-holly individuals result from brush management activities. In such a case, mitigation for the unauthorized impacts shall be mitigated in accordance with Wildlife Agency and/or City of Encinitas requirements. The Homeowners’ Association shall be responsible for any necessary restoration efforts that result from unauthorized impacts to the Del Mar sand aster and/or summer-holly. <p>4.2-C.2 Prior to the issuance of grading or clearing permits, impacts to Nuttall’s scrub oak individuals shall be mitigated through habitat</p>	

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		<p>based mitigation (i.e., 0.60 acre of scrub oak chaparral preserved on-site for 0.40 acre of impact) at an approximately 1.5:1 replacement ratio.</p> <p>4.2-D.1 Mitigation Measures 4.2-A.2 through 4.2-A.4 shall apply.</p> <p>4.2-D.2 Prior to the issuance of grading or clearing permits, 1.16 acres of disturbed coyote brush scrub shall be enhanced and approximately 0.21-acre of coastal sage scrub in existing annual non-native grassland and eucalyptus woodland shall be restored in the northwest and central portions of the project site.</p> <p>4.2-D.3 Prior to the issuance of grading or clearing permits, an Upland Habitat Mitigation and Monitoring Plan shall be prepared for the enhancement and restoration of on-site upland habitat. The Upland Habitat Mitigation and Monitoring Plan shall be submitted to the Planning and Building Department and the Wildlife Agencies for review and approval at least 60 days prior to the initiation of project impacts and shall include the following information and conditions:</p> <p style="padding-left: 40px;">a. Topographic based grading, planting and irrigation plans, as well as final specifications: All upland habitat habitat/restoration/ enhancement sites shall be prepared for planting by decompacting the topsoil in a way that mimics natural upland habitat top soil to the maximum extent practicable while maintaining slope stability. Topsoil and plant materials salvaged from the upland habitat areas to be impacted shall be transplanted to, and/or used as a seed/cutting source for, the upland habitat restoration/creation areas to the maximum extent practicable as approved by the Wildlife Agencies. Planting and irrigation shall not be installed until the Wildlife Agencies have approved the upland habitat restoration/creation site grading. All planting shall be installed in a way that mimics natural plant distribution, and not in rows;</p> <p style="padding-left: 40px;">b. Planting palettes (plant species, size and number/acre) and seed mix (plant species and pounds/acre): The upland plant palette proposed in the draft plans shall include native species specifically associated with the habitat type(s). Unless otherwise approved by the Wildlife Agencies, only locally native species (no cultivars) obtained from as close to the project area as possible shall be used. The source and proof of local nativeness</p>	

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		<p><u>of all plant material and seed shall be provided;</u></p> <p><u>c. The minimum survival rate for container plant material shall be 80 percent for the first five years. At the first and second anniversary of plant installation, all dead plants shall be replaced unless their function has been replaced by natural recruitment;</u></p> <p><u>d. An implementation schedule that indicates when all upland habitat impacts, as well as restoration/ enhancement grading, planting and irrigation shall begin and end. Upland habitat restoration/ enhancement grading, planting and irrigation shall be completed concurrent with [if the grading occurs during the planting season (i.e., late fall to early spring)] or during the next planting season after finishing the project-related grading within the creation/ enhancement area. Any temporal loss of upland habitat caused by delays in restoration/ enhancement shall be mitigated through upland habitat preservation/ restoration/enhancement at a 0.5:1 ratio for every six months of delay (i.e., 1:1 for 12 month delay, 1.5:1 for 18 month delay, etc.). In the event that the project applicant is wholly or partly prevented from performing obligations of the final plans (causing temporal losses due to delays) because of unforeseeable circumstances or causes beyond reasonable control, and without the fault or negligence of the project applicant, the project applicant shall be excused by such unforeseeable cause(s);</u></p> <p><u>e. The plan shall include the following five-year success criteria for upland restoration/enhancement areas: 40-65 percent absolute cover; evidence of natural recruitment of multiple species; 0 percent cover by Cal-IPC List A and B species; and no more than 10 percent cover by other exotic/weed species;</u></p> <p><u>f. A qualitative and quantitative vegetation monitoring plan with a map of proposed sampling locations. Photo points shall be used for qualitative monitoring and stratified-random sampling shall be used for quantitative monitoring;</u></p> <p><u>g. Contingency measures shall be established in the event of restoration/enhancement failure;</u></p> <p><u>h. A schedule for annual submission to the Wildlife Agencies of mitigation maintenance and monitoring reports after the maintenance and monitoring period and no later than December 1</u></p>	

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		<p><u>of each year:</u></p> <p><u>i. A measure to avoid impacts on avian species if maintenance of a coastal sage scrub restoration/ enhancement areas is necessary between March 1 and August 31. If maintenance is required for the restoration/enhancement areas between March 1 and August 31, a biologist permitted by the Wildlife Agencies will survey for gnatcatchers and other breeding birds within the creation/enhancement area and other areas susceptible to disturbances by site maintenance. Surveys would consist of three visits separated by two weeks starting March 1 of each maintenance/monitoring year. Work would be allowed to continue on the site during the survey period. However, if gnatcatchers or other nesting birds are found during any of the site visits, the applicant shall notify and coordinate with the Wildlife Agencies to identify measures to avoid and/or minimize effects to the birds (e.g., nests and an appropriate buffer will be flagged by the biologist and avoided by the maintenance work); and</u></p> <p><u>j. The applicant shall post a performance bond or letter of credit for grading, planting, irrigation and 5 years of maintenance and monitoring of upland mitigation (including 20 percent contingency to be added to the total costs). This bond or letter of credit is to guarantee the successful implementation of the upland mitigation construction, maintenance, and monitoring. The applicant shall submit a draft bond or letter of credit with an itemized cost list for approval at least 30 days prior to the initiation of project impacts. The applicant shall submit the final bond or letter of credit for the amount approved within 60 days of receiving approval of the draft bond.</u></p> <p>4.2-E.1 Mitigation Measure 4.2-B.5 shall apply.</p> <p>4.2-F.1 Mitigation Measure 4.2-B.5 shall apply.</p> <p>4.2-G.1 Mitigation Measures 4.2-B.1 through 4.2-B.17 shall apply.</p>	
4.3 Cultural Resources			
Impacts to a Historic Sites/State Defined	The proposed project has the potential to result in direct impacts to subsurface historic resources, including resources defined by the California Code of	4.3-A.1 The project applicant shall provide a full-time archaeological monitoring program during removal of all existing landscape and hardscape, including the initial stages of site grading or excavation per	No

ENVIRONMENTAL ELEMENT	ENVIRONMENTAL IMPACTS	MITIGATION MEASURES	UNAVOIDABLE ADVERSE IMPACTS
<p>Historic Resources</p>	<p>Regulations, Section 15064.5 and would be addressed by Mitigation Measure 4.3-A.1</p>	<p>the following requirements:</p> <ul style="list-style-type: none"> a. Prior to the issuance of grading and/or building permits, the applicant shall provide a letter of verification to the Planning and Building Department stating that a qualified archaeologist and/or archaeological monitor, as defined in the city’s guidelines, have been retained to implement the monitoring program. The requirements for archaeological monitoring shall be noted on the grading plans under the heading “Environmental Requirements.” All persons involved in the archaeological monitoring of this project shall be approved by the Planning and Building Department prior to the first pre-construction meeting. The applicant shall notify the Planning and Building Department of the start and end of construction. b. The qualified archaeologist shall attend any pre-construction meeting to make comments and/or suggestions concerning the archaeological monitoring program with the construction manager. c. The qualified archaeologist or archaeological monitor shall be present on-site full-time during grading activity. d. When requested by the archaeologist, the project coordinator shall divert, direct or temporarily halt ground-disturbing activities in the area of discovery to allow evaluation of potentially significant historical resources. The archaeologist shall immediately notify Planning and Building Department staff of such finding at the time of discovery. The significance of the discovered resource(s) shall be determined by the archaeologist, in consultation with the Planning and Building Department and Native American community. The Planning and Building Director must concur with the evaluation procedures before grading activities in the area of discovery are allowed to resume. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial. e. If any human remains are discovered, the County Coroner shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendent, as identified by the Native American Heritage Commission, shall be contacted in order to determine the proper treatment and disposition of the remains. f. All historical materials collected shall be cleaned, cataloged and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the 	

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		<p>history of the area. Faunal material shall be identified as to species, and specialty studies shall be completed as appropriate. Additionally, any sites and/or features encountered during the monitoring program shall be recorded on the applicable Department of Parks and Recreation forms (DPR 523A/B, et al.) and submitted to the South Coastal Information Center at San Diego State University and the San Diego Museum of Man with the final monitoring results report.</p> <p>g. Prior to the release of the grading bond, a monitoring results report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusions of the entire historical monitoring program (with appropriate graphics and photo documentation) shall be submitted to and approved by the Planning and Building Director. For significant historical resources, a Research, Design and Data Recovery Program shall be included as part of the evaluation report. A mitigation report for significant historical resources, if required, shall be submitted and approved by the Planning and Building Department Director prior to the release of the grading bond.</p>	
Impacts to an Archaeological Site/State Defined Archaeological Resource	The proposed project has the potential to result in direct impacts to subsurface archaeological resources, including resources defined by the California Code of Regulations, Section 15064.5 and would be addressed by Mitigation Measure 4.3-A.1.	Mitigation Measure 4.3-A.1 shall apply	No
4.4 Geology/Soils			
Exposure to Geologic Hazards	The project could expose people and structures to substantial adverse effects due to the potential for liquefaction hazards on the site and is subject to major ground shaking from seismic events which could expose people or structures to substantial adverse effects.	<p>4.4-A.1 The Geotechnical Engineer’s foundation and site preparation recommendations contained in the “Report of Preliminary Geotechnical Investigation, Proposed <i>Batiquitos Bluffs</i> Residential Development” (Christian Wheeler Engineering, June 20, 2005) shall be incorporated into the project design.</p> <p>4.4-B.1 Mitigation Measure 4.4-A.1 shall apply.</p> <p>4.4-B.2 The design and construction of structures and facilities on the site shall be required to adhere to the standards and requirements of the Uniform Building Code (UBC, Title 24) and other professional engineering standards appropriate for Seismic Zone 4. The following UBC factors shall be used for seismic design: seismic zone factor of 0.40, a soil profile type of Se, a near source Factor Na of 1.0, a near source factor Nv of 1.05, a seismic coefficient Ca of 0.36 and a seismic</p>	No

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		coefficient Cv of 0.93.	
Unstable Soils	On-site liquefiable soils may, in their current state, be potentially subject to up to approximately 4 to 5.75 feet of horizontal displacement in the event of a major proximal seismic event; this is regarded as a significant impact for which mitigation would be required. The project also site exhibits the potential for liquefaction-induced settlements of up to approximately 4.2 to 7.9 inches. Portions of the development area contain expansive soils. The presence of expansive soil represents an unstable soil condition that could result in property risk.	Mitigation Measure 4.4-A.1 shall apply.	No
4.7 Noise			
Traffic Related Noise	<u>Implementation of the project could expose residences to interior noise levels in excess of the General Plan Noise Element and CCR Title 24 standards, and this is regarded as a significant impact for which mitigation would be required. Second floor building facades would be exposed to noise levels in excess of the CCR Title 24 noise abatement thresholds (60 dBA CNEL), and this is regarded as a significant impact for which mitigation would be required.</u>	4.7-A.1 Prior to the issuance of building permits, an interior noise analysis shall be prepared to identify specific noise attenuation measures (e.g., specialized door and window treatments) that shall be depicted on the building plans. The interior noise analysis shall demonstrate that incorporation of the proposed noise attenuation measures will attenuate interior noise levels to a level below 45 dBA CNEL.	No
4.8 Aesthetics			
Natural Topography or other Ground Surface Features	Implementation of the proposed project would require fuel modification and the associated clearing of native vegetation would be considered a significant direct impact to natural ground surface relief features.	4.8-A.1 Prior to the issuance of building permits, project landscape plans shall be reviewed and approved by the Planning and Building Department and the Fire Department. The review of proposed landscape plans by the Planning and Building Department and the Fire Department shall ensure that all fuel modification areas are planted with native, drought-tolerant, low-fuel and fire-resistive plant material	No