

EXECUTIVE SUMMARY

Introduction/Purpose and Scope of the EIR

This Environmental Impact Report (EIR) has been prepared by the City of Encinitas (City) as lead agency pursuant to the California Environmental Quality Act (CEQA) Public Resources Code 21000 et. seq., and the State CEQA Guidelines (California Code of Regulations, Section 15000 et. seq.). This EIR has been prepared to evaluate the environmental effects of the proposed Ocean View Estates Residential Project (proposed project).

EIRs are informational documents “which will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project” (Section 15121 of the CEQA Guidelines). The purpose of this EIR is to evaluate the environmental effects of the Ocean View Estates project proposed by the property owner, Mr. Bahram Ghadiri.

This EIR is intended for use by both decision makers and the public. It provides relevant information concerning the potential environmental effects associated with the construction and operation of a proposed residential development.

Project Location

The proposed Ocean View Estates Residential Project is located in the City of Encinitas, which is located along the central coast of San Diego County. The project site is approximately 20 miles north of downtown San Diego, with neighboring cities including Carlsbad to the north and Solana Beach to the south.

The project site is located on an approximately 3.17-acre site at 455 Ocean View Avenue in the Old Encinitas community of the City (*Figures 1-2 and 2-1*). The site is located within the City’s R-3 zone in the community of Old Encinitas and was previously used for greenhouse agricultural uses. Surrounding uses consist of single family residential uses to the north, west, and south. The principal land use east of the property is the Interstate 5 (I-5) travel corridor. The site is currently graded and vacant.

Site Description and Background

The subject property is one parcel identified as assessor parcel number 256-13-34. The property is situated on the U.S. Geological Survey 7.5 minute Encinitas quadrangle, SE 1/4 Section 9, SW 1/4 Section 10, Township 13 South, Range 4 West. The site slopes from approximately 118 feet above mean sea level (AMSL) in the northeast to 174 feet AMSL at the south central part of the site. Approximately 0.89 of the site’s 3.17 acres (or 28% of the site) contains slopes of greater

than 25% grade, and 0.13 acres (or 4%) of the site contain slopes with greater than 40% slopes. Surface drainage from the property generally flows west to east into an existing wetlands area parallel to I-5.

The proposed project site is located on a previously disturbed lot with sparse ruderal and non-native vegetation. There are three small mature trees standing approximately 10 feet tall and located relatively close together on the south side of the property. In addition, a juniper bush is located against the fence line on the north side of the property. There are no rock outcroppings or other above ground features on the site. The topography is characterized by a uniform, moderately steep, east facing slope that adjoins a seasonal drainage at the base of the slope. The boundaries of the site abut residential fences to the north, west, and south and the drainage on the east.

The site was previously used for agricultural uses and is currently vacant. The City General Plan designates the site's zoning as R-3 (Residential with 2.01-3.0 dwelling units per acre). The project site is located within the coastal zone planning area as defined by the City of Encinitas General Plan and Local Coastal Program (1989), and as shown on the City's Coastal Zone Planning Area map (2001).

Project Description and Objectives

The project proposes a subdivision to create four lots and proposes to construct four single-family detached units. Related project characteristics including proposed retaining and sound walls, landscaping, a recreational trail, and grading are described in *Section 2.4* of the EIR.

The proposed project has been designed to achieve the following objectives:

1. Provide a four-unit residential neighborhood with for sale housing on the existing site.
2. Ensure that all public facilities and services are available to serve the project and meet or exceed applicable City standards and requirements prior to, or concurrent with development.

CEQA Requirements

This EIR has been prepared in accordance with CEQA (Public Resources Code Sections 21000 et. seq.); the CEQA Guidelines published by the Resources Agency of the State of California (California Code of Regulations Sections 15000 et. seq., as amended). This EIR has also been prepared pursuant to the City of Encinitas CEQA Environmental Guidelines (December 1987).

Notice of Preparation

In compliance with Section 15082 of the CEQA Guidelines, the City circulated a Notice of Preparation (NOP) dated April 28, 2006, to interested agencies, groups, and individuals, including the State Clearinghouse at the California Office of Planning and Research. The SCH monitors compliance of state agencies in providing timely responses and assigned state identification number (SCH #2006051022) to this EIR. The NOP is included in *Appendix A*. The NOP was intended to encourage interagency communication concerning the proposed action and provide sufficient background information about the proposed action so that agencies, organizations, and individuals could respond with specific comments and questions on the scope and content of the EIR.

The 30-day public scoping period ended on May 28, 2006. In addition, a public agency scoping meeting was held at the City of Encinitas on July 3, 2006, to gather additional public agency input. All comments received during the NOP public notice period and public agency scoping meeting were considered during the preparation of this Draft EIR. The NOP and comments are included in *Appendix A* of this EIR.

Areas of Known Controversy

One comment letter was received during the NOP public scoping period expressed concern (from Caltrans District 11) about the Applicant's responsibility to coordinate with Caltrans and obtain applicable Caltrans permits. These concerns have been identified as areas of known controversy and are analyzed in this EIR. *Appendix A* contains the comment letters received in response to the NOP.

Environmental Analysis

The following table, *Table S-1*, provides a summary of impacts related to the proposed project. The table focuses on significant environmental impacts resulting from the project pursuant to the CEQA Guidelines Section 15123(b)(1).

Table S-1
Summary of Significant Environmental Impacts

Impact	Mitigation Measures	Level of Significance After Mitigation
Aesthetics		
<p>Project implementation would result in significant aesthetic impacts related to:</p> <ul style="list-style-type: none"> • Impacts to motorists along I-5, a City-designated scenic corridor • Landform alteration due to the proposed height of retaining and sound walls <p>No cumulatively significant impacts would occur.</p>	<p>The following mitigation measure would reduce significant aesthetics impacts related to scenic corridor, landform alteration, and the height of retaining and sound walls to a level below significance:</p> <p>AES-1: Prior to building permit issuance, the project applicant shall submit a landscape plan that substantially shields the project's retaining and sound walls, to the satisfaction of the Planning and Building Department Director. The landscape plan would include an assortment of trees, shrubs, vines and various ground covers. The proposed landscaping for the keystone retaining walls would include Compact Xylosma (<i>Xylosma congestum</i>) and Glossy Abelia (<i>Abelia grandiflora</i>) shrubs planted in 5-gallon planters located along each of the three terraces of the retaining wall system. There would also be 15-gallon African Sumac (<i>Rhus lancea</i>) and 15-gallon Photinia trees (<i>Photinia fraseri</i>) planted along the retaining walls. These trees would provide screening of the retaining walls from passing motorists as seen in <i>Figures 4.1-2 and 4.1-3</i> of the Draft EIR. The landscape plan would also includes trees and shrubs to be planted along the southeastern portion of the project site that would further screen views of the home located on lot 4. The shrubs would include an assortment of Toyon (<i>Heteromeles arbutifolia</i>) and Lemonadeberry (<i>Rhus integrifolia</i>). The trees would include 15-gallon California Sycamore (<i>Plantus racemosa</i>), 15-gallon Coast Live Oaks (<i>Quercus agrifolia</i>) and 15-gallon African Sumacs. Over time and upon maturity, the vegetation proposed for both the sound and retaining</p>	<p>With the application of mitigation, all project impacts related to aesthetics would be reduced to levels below significance.</p>

Table S-1 (Continued)

Impact	Mitigation Measures	Level of Significance After Mitigation
	<p>walls would allow minimal views of the bare walls and the mature trees and vegetation would provide a visual buffer to the homes.</p> <p>AES-2: Prior to grading permit issuance, a bonded landscape monitoring and reporting program for the project's landscape plan shall be submitted for review and approval by the Planning and Building Department. The program shall provide that landscape monitoring be conducted every three months, or as otherwise agreed to by the Planning and Building Department, until the plant material is established. A monitoring report shall be prepared and submitted to the Planning and Building Department following each monitoring visit. Monitoring reports shall include an assessment of the landscaped areas including reviewing and noting the following items: plant health and vigor, progress of seeding, presence of weeds, presence of plant pests or disease, soil moisture, and erosion. Monitoring reports shall include recommendations and remedial measures for any deficiencies or problems that would prevent implementation of the project's landscape plan.</p>	
Biological Resources		
<p>Significant impacts would occur to annual non-native grassland vegetation and, if construction takes place during the breeding season, to breeding raptor species. Potential long-term indirect impacts to wetlands would also be significant.</p> <p>No cumulatively significant impacts would occur.</p>	<p>The following mitigation measures would reduce biological impacts to less than significant levels:</p> <p>BIO-1 Group E habitats affected by the project consist of direct impacts to annual non-native grassland, including permanent impacts to 1.65 acres, and temporary impacts to 0.102 acre located outside of the FPA. Based on the City's Mitigation Standards for Impacts to Natural Vegetation and Habitat table, this impact shall be mitigated prior to grading permit</p>	<p>With the application of mitigation, all project impacts related to biological resources would be reduced to levels below significance.</p>

Table S-1 (Continued)

Impact	Mitigation Measures	Level of Significance After Mitigation
	<p>issuance at a 0.5:1 ratio (0.84 acre). Mitigation shall be implemented entirely on site.</p> <p>Mitigation for temporary impacts to annual non-native grassland will include restoration of the temporary impact zone (i.e., a 15-foot construction buffer-zone adjacent to the proposed retaining wall) to pre-impact conditions and contours. This restoration will consist of hydroseeding with annual grassland species.</p> <p>BIO-2 Prior to grading permit issuance, the following measure shall be included on grading plans. If construction activity is anticipated to occur during the raptor breeding season (i.e., January through September), a one-time biological survey for nesting bird species must be conducted within the proposed impact area within 72 hours prior to construction. This survey is necessary to assure avoidance of impacts to nesting birds protected by the federal MBTA. If any active nests are detected, the area will be flagged and mapped on the construction plans along with a minimum of a 25-foot radius buffer and up to a maximum of 300-foot radius buffer for active nests, as determined by the project biologist, and will be avoided until the nesting cycle is complete.</p> <p>BIO-3 For potential indirect impacts to wetlands, the following measures shall be undertaken by the project applicant, prior to certificate of occupancy, to the satisfaction of the City of Encinitas Planning and Building Department: (1) fencing shall be included along the boundary of the project to preclude humans from traveling into the areas to be preserved; (2) landscaping adjacent to preserved land shall not include species on lists A and B of the</p>	

Table S-1 (Continued)

Impact	Mitigation Measures	Level of Significance After Mitigation
	<p>Exotic Pest Plants of Greatest Ecological Concern in California as of October 1999 (California Exotic Pest Plant Council); (3) proper selection, design, placement and utilization of BMPs including source control (i.e., parking lots, signage, and trash enclosures), treatment control (i.e., constructed wetlands, filter inserts, and catch basins), and site design (i.e., landscaping) BMPs shall be implemented; and (4) attenuation of flows from increased runoff through energy dissipation (i.e., detention basins, rip-rap, etc.) shall be implemented.</p>	
Noise		
<p>Exterior Noise Predicted sound levels within backyard areas for future home lots on the project site would range up to approximately 76 dB L_{dn}, and would therefore substantially exceed the City's adopted exterior noise criteria of 60 dB L_{dn}.</p> <p>Interior Noise The City requires that interior noise levels not exceed an L_{dn} of 45 dB. Typically, with the windows open, and using standard California construction materials and methods, the building shells provide approximately 15 dB of noise reduction. Therefore, homes exposed to an exterior L_{dn} not greater than 60 dB should result in an interior L_{dn} not greater than 45 dB. However, in that future exterior noise levels on the site would exceed 60 dB, significant interior noise impacts could result unless mitigation measures are implemented.</p> <p>Noise Reduction to Adjacent Residences The Dudek noise report included an evaluation of six adjacent parcels to determine if exterior noise benefits would result from the development of the Ocean View</p>	<p>Exterior Noise A sound wall of 20-foot height along the I-5 frontage of the project site would be required in order to achieve full compliance with the adopted City standard of 60 dB L_{dn}. However, a sound wall of this height would not be allowed since the wall would be visible from I-5, which is a designated scenic corridor in the City of Encinitas. For more information regarding visual impacts, refer to <i>Section 4.1</i>. The City has indicated that the maximum acceptable height of the noise barrier is 8 feet, consisting of a 6-foot-high sound wall atop a 2-foot earthen berm.</p> <p>In combination with noise attenuation from proposed on-site structures, a sound wall of 8-foot height along the I-5 frontage of the project site (see <i>Figure 4.3-2</i> of the DEIR) would attenuate future exterior noise to 68 dB L_{dn}. In that the adopted standard for exterior noise is 60 dB L_{dn}, significant noise impacts would remain with installation of a 8-foot high sound barrier. The mitigation measure discussing the sound wall is provided below.</p> <p>NOISE-1: Prior to certificate of occupancy, a permanent noise barrier shall be constructed along the</p>	<p>Regarding I-5 traffic noise impacts, one sound wall lower than 20 feet in height (measured from the building pad elevation) would not completely achieve compliance with the adopted exterior noise criterion. Therefore, a residually significant noise impact would remain if a sound wall of less than 20 feet in height is implemented for the project.</p> <p>With the application of mitigation, project impacts related to interior noise effects would be reduced to levels below significance.</p>

Table S-1 (Continued)

Impact	Mitigation Measures	Level of Significance After Mitigation
<p>Estates project as proposed. The report concludes that development of the project site to include the proposed 8-foot high noise barrier in combination with proposed structural development would result in slightly lower freeway-related noise (L_{dn} 1 to 6 dB less) at four of the six parcels evaluated; implementation of the proposed project would not produce any discernible effect upon the noise environment at the remaining two parcels examined.</p> <p>Implementation of the project would lower the future noise levels from I-5 traffic at four adjacent residential parcels. This would be considered a beneficial impact of the project.</p> <p>Overall, project implementation would result in the following potentially significant noise impacts:</p> <ul style="list-style-type: none"> • I-5 traffic noise impacts on the four proposed lots; • Traffic noise impacts on the interior living areas of the four proposed lots. 	<p>eastern perimeter of the residences of the site as shown in <i>Figure 4.3-2</i> of the DEIR. The barrier shall be a 6-foot high wall atop a 2-foot-high earthen berm to mitigate the noise impact at the residences. The noise barrier should be constructed at the top of the retaining walls as shown in <i>Figure 4.3-2</i>. The noise barrier would attenuate the exterior L_{dn} to 68 dB or less at the residences. The materials used in the construction of the barrier would be required to have a minimum surface density of 3.5 pounds per square foot. They may consist of masonry material, plexiglass, tempered glass or a combination of these materials. The barrier must be designed so there are no openings or cracks.</p> <p>Interior Noise The following mitigation measure would fully mitigate significant interior noise impact on proposed residences:</p> <p>NOISE-2: Prior to certificate of compliance occupancy, and to comply with the City and state interior noise standard, an interior noise analysis shall be required compliant with the California Code of Regulations (CCR), Title 24, Noise Insulation Standards, for all four detached single-family homes. The interior acoustical analysis will be required for these homes prior to issuance of building permits to ensure that the interior L_{dn} would not exceed 45 dB. Based on the results of the interior noise analysis, these homes may require air-conditioning, mechanical ventilation and/or sound-rated windows.</p>	

Project Alternatives

In developing alternatives to be addressed in this EIR, consideration was given regarding their ability to: (1) meet the basic objectives of the project described in *Section 2.0*; and (2) eliminate significant environmental impacts as identified in *Section 4.0* of this EIR. Based on the above parameters, two alternatives were identified, including the No Project alternative and the Reduced Noise Impact alternative.

A matrix comparing the significant environmental effects of each alternative is provided below in *Table S-2*. CEQA requires that an environmentally superior alternative be identified (other than the No Project alternative). CEQA also requires that the environmentally superior alternative be selected from a range of reasonable alternatives that could feasibly attain the basic objectives of the project.

As discussed above, the Reduced Noise Impact alternative would result in reduced noise impacts when compared to the proposed project, but increased visual impacts. Therefore, the proposed project is considered to be the environmentally superior alternative.

Table S-2
Comparison of Alternatives' Impacts

Environmental Issue	No Project Alternative	Reduced Noise Impact Alternative
Aesthetics	Impacts avoided	Greater Impacts
Biological Resources	Impacts avoided	Similar impacts
Noise	Impacts avoided	Reduced impacts

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