

7.0 EFFECTS NOT FOUND TO BE SIGNIFICANT

The State CEQA Guidelines (Section 15128) require that the environmental document include a brief discussion of various environmental issues that were determined not to be significant. This EIR addresses all probable or foreseeable possible effects of the proposed project. Based on the analysis presented in *Chapter 4.0*, with mitigation incorporated, effects were not found to be significant for Aesthetics and Biological Resources.

An evaluation of issues not addressed in *Chapter 4.0* of this document follows. These impacts were determined to be less than significant due to the inability of a project of this scope to create such impacts or the absence of project characteristics producing effects of this type.

7.1 Energy and Mineral Resources

The development of the site would entail the use of typical construction-related natural resources. However, the project is not expected to result in substantial depletion of nonrenewable resources. Energy sources and usage required for project construction and operation are not anticipated to result in significant impacts. There are no commercially extractable mineral resources on site; therefore, the proposed project would not significantly impact mineral resources.

7.2 Population and Housing

The proposed project does not have the capacity to considerably alter the characteristics of the surrounding human population and would not exceed regional or local population projections. The site is designated in the City General Plan for Residential uses (R-3) and the project's resultant population has therefore been considered in the local planning documents. Also, the development would not displace substantial existing housing. No people would be displaced with implementation of the project. Overall, no significant impacts would occur.

7.3 Public Services

The proposed project would have a less than significant impact on the City's fire and police departments. Police protection contracts are renegotiated regularly to respond to development in the City. There would be a nominal increase for road maintenance throughout the City and a minimal demand for any other governmental services, such as library or medical facilities.

The project would be served by the Encinitas Union School District (EUSD). Paul Ecke Central Elementary School, located at 185 Union Street, would serve elementary school students generated by the project. According to the EUSD, Paul Ecke Central Elementary School would have the necessary capacity to serve the proposed project (Matusek 2005).

Middle and high school students generated by the project would be served by the San Dieguito Union High School District's Diegueno Middle School (2150 Village Park Way) and La Costa Canyon High School at One Maverick Way in Carlsbad. Given the low number of units proposed, these schools would have the necessary capacity to serve the proposed project.

Impacts to all schools would be offset via the current districts' development fees. For these reasons, impacts to local school services and districts would not be significant.

7.4 Utilities and Service Systems

Gas and electricity would be utilized in the grading and construction of the proposed project and supplied to the dwelling units for the period of its life. Project implementation is not expected to impact gas, electrical supplies, or communication systems; energy resources and communication systems could be delivered to the site.

Regarding wastewater treatment, the project would be served by the Leucadia Wastewater District and treated at the Encina Water Pollution Control Facility in Carlsbad. Given the project's scale, it is not anticipated to exceed treatment requirements of the RWQCB. No new wastewater treatment facilities are proposed, and expansion of existing facilities would not be required.

According to the San Dieguito Water District, sufficient water supplies are available to serve the proposed project (Lee 2005). The District receives local runoff water from Lake Hodges and imported raw water from the San Diego County Water Authority. Both sources are treated at the R.E. Badger Filtration Plant located in Rancho Santa Fe. The plant is jointly owned with the Santa Fe Irrigation District. Treated water from the San Diego County Water Authority can also be delivered directly to the District. No new or expanded entitlements would be necessary for the Ocean View Estates project, and impacts would therefore be less than significant. Also, the project does not meet the requirements of a "regionally significant project" per Senate Bill (SB) 610 as it would have less than 500 dwelling units (the project proposes four (4) units per *Section 2.4*). Therefore, the project is not subject to enhanced CEQA requirements per SB 610.

Solid waste generated from the project would be deposited at the Otay Landfill located at 1700 Maxwell Road in Chula Vista. This facility contains a permitted disposal area of approximately 230 acres and a landfill capacity of 59,857,200 cubic yards. Given its limited scale, the project is not anticipated to exceed solid waste capacity of the Otay Landfill. The waste from the project would represent a less than significant incremental increase to the landfill's capacity. During construction, some materials would need to be landfilled at the landfill facility, and this facility has the permitted capacity to accept the project's construction waste. No permanent solid waste-generating uses are proposed.

7.5 Recreation

The Ocean View Estates project would result in a slightly increased demand for park services as it would increase the population in the community of Old Encinitas. However, the site has been designated for residential use in City planning documents including the City General Plan; as such, the increase in population has been considered in the City's recreation demand forecasting. While nearby parks, including Leucadia Oaks, Beacon's Beach, Moonlight Beach, and Cottonwood Creek, would likely receive a minor increase in use as a result of the proposed project, substantial adverse physical impacts to these and other City parks are not anticipated given that four units are proposed with the project. Likewise, the need for new City park facilities would not occur.

The applicant does not propose public parkland as part of the proposed project. According to the City of Encinitas Municipal Code 23.98.010, the City Council determined that a land dedication requirement, or in-lieu fee, and a facilities fee are needed in order to meet the cost of acquiring and improving parkland to serve new development and to pay for the development's fair share of these acquisitions and improvements. Furthermore, Municipal Code 23.98.050 requires a developer to pay in-lieu fees for park and recreation purposes for residential subdivisions. The applicant has committed to pay these in-lieu park fees. For these reasons, impacts to recreation would be less than significant.

7.6 Land Use and Planning

The project site consists of an approximately 3.17-acre site at 455 Ocean View Avenue. The project proposes a four-lot subdivision located in Old Encinitas. The site is located within the City's R-3 zoning district and has been previously used for greenhouse agricultural uses. The project site is currently vacant and consists of disturbed lands due to past grading for agricultural uses on the site. The project would introduce new residential structures adjacent to existing residential homes. The proposed project is therefore consistent with adjacent land uses as the area consists of residential homes. Also, no feature of the project would result in the physical division of existing neighborhoods in the area.

The General Plan land uses designated for the project site is R-3. Residential land uses in this category are designated to be single-family detached units constructed at lower densities. The land use designation permits the construction of between 1 and 3 units per acre with the minimum lot size for each unit being 14,500 square feet (City of Encinitas 1989). Since the site will contain single-family residential homes with a density of 1.26 du/ac, the project would be consistent with the City's proposed land use designation for the site. The project therefore would not conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the project.

The biological resources technical report prepared for the project determined that the site's relationship to the MHCP to be consistent. The proposed project is consistent with the MHCP and impacts to uplands, sensitive plants, and sensitive wildlife will be mitigated through implementation of the plan. Refer to *Section 4.2* for additional information.

7.7 Hydrology and Water Quality

The project will be required to comply with all current City of Encinitas and State regulations related to water quality including Best Management Practices (BMPs) for the construction and post construction phases of the project. To reduce short-term (i.e., construction-related) and long-term (i.e., post-construction) impacts associated with soil erosion and sedimentation, project grading activities shall be performed in accordance with applicable sections of Chapter 23.24 of the Encinitas Municipal Code, and "Stormwater Pollution Control BMP Notes relative to Construction Activities" as listed on the TPM for the project. Project adherence to the BMPs would ensure that potential water quality impacts are less than significant.

Drainage patterns would be altered by directing runoff from rooftops and other impervious surfaces into stormwater drainage systems. On-site detention of runoff or filtration through on-site landscaped areas and filters placed in storm drain systems will be included and would reduce the amount of potential containments entering storm-drains. Storm drains and off-site facilities would be sized to accommodate runoff from the project site. Runoff therefore would not exceed the capacity of existing stormwater drainage systems or provide substantial additional sources of polluted runoff. The proposed project will introduce impermeable surfaces to a vacant lot, thereby reducing the ability for surface water to percolate into the groundwater table. Since the project site is 3.17 acres in size and the majority of the site will remain as permeable surfaces, there would be a less than significant impact to groundwater supplies. The project therefore would not substantially alter the existing drainage pattern of the site, impact groundwater supplies or degrade the water quality on site.

Impacts resulting from construction (grading, cutting and filling) of the project are anticipated to potentially impact water quality through increased sediment load within the City's municipal stormwater system. During construction, BMPs from the California BMP Handbook will be used and a Storm Water Pollution Prevention Plan (SWPPP) will be prepared for the project. BMPs will be used at all times to minimize pollutants generated from construction activity and material handling. Therefore, impacts to water quality standards or waste discharge requirements during construction would be less than significant through the incorporation of standard BMPs.

The proposed project site is not located within a 100-year flood hazard area (FEMA Flood Plain Data 2003). Therefore, development of the proposed project would not result in a significant flood related hazard and would not involve the implementation of permanent structures that could impede or redirect flood flows. There are no dams located within the area, therefore the

project would not be susceptible to dam inundation hazards. There are also no large bodies of water located within the project vicinity. Therefore the project site is not anticipated to be prone to seiche, tsunami, or mudflow hazards.

7.8 Cultural Resources

The proposed project site is vacant and has been used in the past for greenhouse agricultural uses. The site therefore has been disturbed and 28% of the site consists of a slope of 25% or greater. Due to past land uses through site disturbance and the slope of the project site, the potential for significant archaeological resources is considered to be low. According to the California State Registry of Historic Landmarks (accessed at http://ceres.ca.gov/geo_area/counties/San_Diego/landmarks.html) there are no registered historic landmarks located on the project site. Since there are no recorded historical sites or structures on the project site, the proposed development is not anticipated to result in impacts to state historical resources. The project site is also not expected to have impacts to significant paleontological resources as the site has been graded in the past, and because Terrace deposits are considered to typically have a low potential to contain significant fossils. Overall, the potential for impacts to significant cultural resources as a result of project development is considered to be low, and impacts would be less than significant.

7.9 Air Quality

The project consists of a proposed development of four single-family residential units on a 3.17-acre site. Air quality standards are set by the state and federal governments to provide an adequate margin of safety in protecting public health. An area (or air basin) is designated in attainment when it is in compliance with the National and/or California Ambient Air Quality Standards. These standards are set forth the federal Environmental Protection Agency (EPA) or the California Air Resources Board (ARB) for the maximum level of a given air pollutant that can exist in the outdoor air without unacceptable effects of human health or public welfare.

The project site is located in the San Diego Air Basin, which is a federal and state nonattainment area for ozone (O₃), and a state nonattainment area for particulate matter less than or equal to 10 microns in diameter (PM₁₀). The San Diego Regional Air Quality Strategy (RAQS) was developed pursuant to California Clean Air Act requirements and identifies feasible emission control measures to provide progress in San Diego County toward attaining the State ozone standard. The RAQS is prepared and administered by the San Diego Air Pollution Control District (SDAPCD). The emission projections in the RAQS reflect the impact of all emissions sources and all control measures for projected growth in the San Diego Air Basin. Growth assumptions in the RAQS are based on population projections in the San Diego Association of Governments (SANDAG) Regional Transportation Plan (RTP), which takes into account many factors including general plan and community plan density and land use designations.

As mentioned above, the RAQS incorporates growth forecasts that are based on regional and local plans, including the City of Encinitas General Plan. Therefore, if the project is consistent with the City of Encinitas General Plan and planned density for the project site it can be considered to be consistent with the projected emissions for the site assumed in the RAQS. As discussed in Section 7.7, the project site zoned R-3, and therefore has a maximum density of 3.0 dwelling units per net acre. The single-family homes are consistent with growth projected for the site, and the subsequent air quality impacts from vehicle trips associated with the project are anticipated in the RAQS. Therefore the project would not constitute a significant increase in air pollution.

The proposed project would generate an increase in vehicle trips from the addition of four new single-family homes. However the project is not a departure from the forecasted growth for the project site as a whole, or from the growth forecast in the City of Encinitas General Plan. The additional vehicle trips and resulting air quality impacts from the proposed project are anticipated in the growth forecast of the RAQS. Therefore, the impacts on air quality would be less than significant.

Construction of the project would also result in short-term emissions of dust and construction activity. The project would be required to minimize dust emissions, such as using adequate watering and/or dust palliatives on all disturbed areas as recommended by the ARB and SDAPCD. The project also proposes grading and would be required to comply with grading ordinance provisions that require dust control. Given the uses of the project and the incorporation of compliance with City of Encinitas regulations, significant emissions would not occur during construction.

Construction activities may produce odors associated with diesel engines and paving operations. However, perception of the odor would be short-term in nature. Operation of the project does not propose any uses which would result in the creation of objectionable odors. Neither construction nor long-term operation of the project would involve long term activities or uses that would produce objectionable odors.

7.10 Geology and Soils

The project site was the subject of a geotechnical investigation prepared by Geocon (*Appendix E*). According to the geotechnical investigation, the site is underlain by undocumented fill, colluvium, and Quaternary-age Terrace Deposits which were found to have a “very low” to “low” expansion potential. The deposits typically provide suitable bearing and adequate shear strength characteristics, and are considered suitable for support of the proposed structures (Geocon 2005). A review of geologic literature indicates that no known active, potentially active, or inactive faults exist at the site, with the closest active fault being the Rose Canyon Fault Zone, approximately 3 miles from the site (Geocon 2005). In the event of a major earthquake along

faults in the Southern California region, the site could be subjected to moderate to severe ground shaking. With respect to seismic shaking, the site is considered comparable to other in the general vicinity. Seismic design of the structures would be in accordance with the uniform Building Code (UBC) guidelines currently adopted by the City. The potential impacts from seismicity to occur on the proposed project site are therefore considered to be less than significant.

The potential risk to liquefaction during a strong earthquake is limited to those soils that are relatively loose and in an unconsolidated condition. The potential for liquefaction occurring within the site soils is considered to be very low due to lack of near surface groundwater and the dense nature of the underlying Terrace Deposits (Geocon 2005).

The proposed project would involve grading the site to create building pads for residential homes. The project soils are susceptible to wind and water erosion. Short-term erosion effects during the construction phase of the project would be prevented through implementation of a Storm Water Pollution Prevention Plan (SWPPP) and the incorporation of Best Management Practices (BMPs). The SWPPP includes standard construction methods such as temporary detention basins to control on-site and off-site erosion. The SWPPP is required by the developer during plan review and approval of project improvement plans; therefore, with implementation of an approved SWPPP would ensure a limited impact on the loss of soil from erosion. Also, grading recommendations contained in the January 2005 Geocon Geotechnical Investigation report (*Appendix E*) and “Gravel Bags Notes” and “Bonded Fiber Matrix” as listed on the TPM for the project shall be adhered to.

7.11 Agricultural Resources

According to the Important Farmland Map prepared by the California Department of Conservation, the project site is designated as urban and built up land and therefore is not located within an area designated as Prime Farmland, Unique Farmland or Farmland of Statewide Importance (California Department of Conservation, 2002). Consequently, development of the residential land uses on site would not result in a significant impact regarding the conversion of Prime Farmland to non-agricultural uses. Additionally, the project site is not zoned for agriculture use as part of a Williamson Act contract (County of San Diego, November 21, 2003). While the project is not designated as farmland of statewide significance and is not located within a Williamson Act Contract, the site has been historically used for agriculture, although the site is now currently graded and has not been recently used for agriculture purposes. Importantly, the project site is not designated for agricultural uses in adopted City land use plans. Rather, it is designated Residential (2.01 to 3.00 units per acre) in the City General Plan (City of Encinitas 1989). Also, the site is not designated for special status agricultural use (City of Encinitas 1989). Therefore, the impact would not be considered significant, due to the City’s land use designation for the site.

7.12 Transportation and Circulation

The City of Encinitas strives to obtain LOS C but will accept LOS D at existing intersections and roadway segments (City of Encinitas, General Plan 1989). The project is expected to generate 48 automobile average daily trips. Egress and ingress to the site will be provided via an approximately 210-foot long private road connecting with Ocean View Avenue. The proposed project is not expected to generate additional traffic on local roadways that would have a significant impact as a result of the small number of daily automobile trips expected from project site. The road connection will be accordance with the City guidelines and therefore impacts related to street design safety will be minimized through the incorporation of City Guidelines. In addition the private roadway and connection to Ocean View Ave would be constructed according to City guidelines for adequate width and turning radius for emergency vehicles. These standards would serve to provide safe and adequate access to the project site and to prevent disturbance to traffic bypassing the project site.

The proposed project would also not impede existing air traffic navigational patterns or cause a change in the location of existing airport facilities at the nearest airport (McClellan Palomar Airport).

The project proposes eight off-street parking spaces (four, 2-car garages). The provision of parking is sufficient and would be reviewed by the City as part of the TPM review. Therefore, the City's review and conditioning process will ensure adequate parking will be provided at the project site.

7.13 Hazards and Hazardous Materials

Construction of the proposed project would involve the transport of gasoline and other potentially hazardous material to the project site during construction. All hazardous materials used during the construction phase will follow the guidelines stated in the standard BMPs to ensure that all hazardous materials are stored properly and that no hazards occur during the construction phase of the project. Once project construction is complete, the transport, use or disposal of hazardous materials would be limited to residential cleaning products, landscaping chemicals and fertilizers, and other substances associated with residential uses. The project will introduce small quantities of household hazardous material (e.g. petroleum products, pesticides, cleaners, etc.) to be used by residencies of the proposed project. As discussed above, the project will be required to comply with all federal, state, and local laws regulating the management and use of hazardous materials. The project's compliance with these regulations ensures that the project would not create a potential hazard to the public through the release of hazardous materials into the environment.