DRAFT

Initial Study/Mitigated Negative Declaration

# Lake Drive Storm Drain and Manchester Avenue Culvert Outfall Project

**NOVEMBER 2025**

*Prepared for:*

**CITY OF ENCINITAS**
505 South Vulcan Avenue
Encinitas, California 92024
*Contact: Esteban Danna*

*Prepared by:*

**DUDEK**

687 S. Coast Highway 101, Suite 110
Encinitas, California 92024
*Contact: Alexandra Howard*

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# Acronyms and Abbreviations

| Acronym/Abbreviation | Definition |
|---|---|
| AB | Assembly Bill |
| ADI | area of direct impact |
| APE | area of potential effect |
| APN | Assessor's Parcel Number |
| BMP | best management practice |
| CAP | Climate Action Plan |
| CCC | California Coastal Commission |
| CDFW | California Department of Fish and Wildlife |
| CEQA | California Environmental Quality Act |
| City | City of Encinitas |
| CMP | corrugated metal pipe |
| County | County of San Diego |
| CRPR | California Rare Plant Rank |
| FPA | Focused Planning Area |
| GHG | greenhouse gas |
| I | Interstate |
| IS | initial study |
| LCP | Local Coastal Program |
| MBTA | Migratory Bird Treaty Act |
| MHCP | Multiple Habitat Conservation Program |
| MM | Mitigation Measure |
| MND | mitigated negative declaration |
| NAHC | Native American Heritage Commission |
| NPDES | National Pollutant Discharge Elimination System |
| $O_3$ | ozone |
| project | Lake Drive Storm Drain and Manchester Avenue Culvert Outfall Project |
| RAQS | Regional Air Quality Strategy |
| RWQCB | Regional Water Quality Control Board |
| SDAB | San Diego Air Basin |
| SDAPCD | San Diego County Air Pollution Control District |
| SIP | State Implementation Plan |
| SWPPP | stormwater pollution prevention plan |
| TCR | tribal cultural resource |
| USACE | U.S. Army Corps of Engineers |
| USFWS | U.S. Fish and Wildlife Service |

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# 1 Introduction

## 1.1 Project Overview

The City of Encinitas (City) has proposed the removal and replacement of a storm drain consisting of approximately 2,000 linear feet of existing 48-inch-diameter corrugated metal pipe (CMP) and associated appurtenances from the curb inlet along Lake Drive west through the canyon to Interstate (I) 5, as well as the removal of sediment from an existing culvert outfall located immediately south of Manchester Avenue.

The existing CMP would be replaced with new reinforced concrete pipes and appurtenances of similar size. The new storm drain would generally follow the same alignment to preserve existing hydraulic conditions and minimize site disturbances as much as possible. Additionally, a detention basin is proposed just west of Lake Drive to reduce stormwater flows and volumes. The project would also restore the outfall of the storm system, which is located south of Manchester Avenue and west of I-5. This will be accomplished by re-excavating a J-channel and replanting disturbed coastal and valley freshwater marsh that had been filled in with sediment deposited from the failed CMP. The Manchester Avenue culvert outfall conveys water into the San Elijo Lagoon from upstream areas associated with an existing storm drain alignment that captures water from the Lake Drive project site and surrounding vicinity. The purpose of this project is for the City to maintain its existing storm drain distribution alignment and outlets within the Lake Drive and Manchester Avenue project sites to prevent threats to public health and safety.

## 1.2 California Environmental Quality Act Compliance

The California Environmental Quality Act (CEQA) requires that any project in the state of California determined to have the potential to result in adverse impacts to the environment be analyzed under the CEQA Guidelines and the results disclosed to the general public (14 CCR 15000 et seq; California Public Resources Code, Section 21000 et seq.). A lead agency is determined under CEQA as the agency with greatest authority over the resources or land the proposed project is likely to impact, often a city, county, school district, or public resource agency. The Lake Drive Storm Drain and Manchester Avenue Culvert Outfall Project (proposed project) would be required to comply with the referenced CEQA Guidelines and identify and disclose potential environmental impacts associated with construction and operation of the proposed project.

The City is the CEQA lead agency responsible for the review and approval of the proposed project. Based on the findings of the initial study (IS) for the project, the City determined that a mitigated negative declaration (MND) is the appropriate environmental document to prepare in compliance with CEQA (California Public Resources Code, Section 21000 et seq.). As stated in CEQA Section 21064.5, an MND may be prepared for a project subject to CEQA when an IS identified no potentially significant effects on the environment.

The City has prepared this IS supported by an MND in conformance with CEQA Guidelines Section 15070(a). The purpose of the MND and the IS Checklist (see Section 3 of this MND) is to determine any potentially significant impacts associated with the proposed project and to incorporate mitigation measures into the project design, as necessary, to reduce or eliminate the potentially significant effects of the project.

## 1.3 Project Planning Setting

The Lake Drive storm drain site (herein referred to as the Lake Drive project site) includes an existing storm drain distribution alignment shown on Figure 1, Project Location, maintained by the City, that runs from Lake Drive to I-5, down Ocean Cove Drive, and ends at an existing outlet under Manchester Avenue (herein referred to as the Manchester Avenue project site). The Manchester Avenue culvert outfall conveys water into the San Elijo Lagoon from upstream areas associated with an existing storm drain alignment that captures water from the Lake Drive project site and surrounding vicinity. Together, the Lake Drive and Manchester Avenue project sites compose the City's proposed project.

Both the Lake Drive and Manchester Avenue project sites occur within the Final North County Multiple Habitat Conservation Program (MHCP) Plan (SANDAG 2003) hardline Focused Planning Areas (FPAs) (City of Encinitas 2001), as shown in Figure 2, Project Setting. Both sites overlap a biological core and linkage area (SANDAG 2003; City of Encinitas 2001), which represents the largest remaining habitat blocks within the City and includes critical linkages connecting the habitat blocks. Both sites are also located within the boundaries of the coastal zone and within habitat designated critical by the U.S. Fish and Wildlife Service (USFWS) for coastal California gnatcatcher (*Polioptila californica californica*) (Figure 2). The Lake Drive project site is owned by Nature Collective (formerly the San Elijo Lagoon Conservancy), and the Manchester Avenue project site overlaps a portion of the San Elijo Lagoon Ecological Reserve boundary, which is also owned by Nature Collective.

The 25.32-acre Lake Drive project site is located in Encinitas at the intersection of Lake Drive and Sea Village Way. The Lake Drive project site occurs on Section 26, Township 13 South, Range 4 West in the southeastern portion of the Encinitas U.S. Geological Survey 7.5-minute quadrangle (Figure 1). The Lake Drive project site occurs primarily on Assessor's Parcel Number (APN) 261-150-69, but it also intersects the following APNs: 261-254-04, 261-254-48, 261-254-20, 261-254-03, 261-254-21, 261-232-40, 261-232-39, 261-255-30, 261-254-46, 261-254-05, and 261-254-22. The proposed disturbance footprint at the Lake Drive project site is approximately 3.73 acres and consists of the area for the removal and replacement of the existing CMP and associated appurtenances from the curb inlet along Lake Drive west through the canyon to I-5 (Figure 3, Lake Drive Project Site Plan). The proposed project alignment is situated within the central drainage course of an undeveloped canyon known as "Cardiff Cove," which consists of "upper" steep slopes and "lower" gentle slopes with intermediate slope gradients in between. Vegetation within the canyon is moderately thick, primarily consisting of native chaparral shrubs, with some invasive plants/weeds and mature trees. Portions of the project site have been previously disturbed due to construction of I-5, freeway landscaping, installation of fencing, installation of the existing CMP along with culverts and curb inlets, and the effects of erosion.

The 0.14-acre Manchester Avenue project site consists of an existing culvert outfall located on the south side of Manchester Avenue, approximately 180 feet to the east of the intersection of Ocean Cove Drive and Manchester Avenue. The Manchester Avenue project site occurs on Section 26, Township 13 South, Range 4 West in the southeastern portion of the Encinitas U.S. Geological Survey 7.5-minute quadrangle (Figure 1). The Manchester Avenue project site occurs on City right-of-way and on APN 261-210-13. The proposed temporary disturbance footprint at the Manchester Avenue project site consists of a City-owned staging area located within disturbed habitat immediately adjacent to Manchester Avenue but outside the San Elijo Lagoon Ecological Reserve and an approximately 130-foot excavation work area downstream of the existing culvert outfall (Figure 4, Manchester Avenue Project Site Plan). The outfall of this storm system is located south of Manchester Avenue and primarily consists of three vegetation communities or land cover types: open water, coastal and valley freshwater marsh, and disturbed habitat. Portions of the site have been filled in with sandy sediment, primarily attributed to sediment transported from the upper portion of the project site.

The project is located in the coastal zone, as defined by the California Coastal Commission (CCC), and compliance with the California Coastal Act would be through the City's General Plan (City of Encinitas 1989), which is an approved Local Coastal Program (LCP). The City's LCP land use plan has been incorporated into the General Plan as environmental protection goals and policies outlined in the Land Use Element and Resource Management Element of the City's General Plan (City of Encinitas 1989, 2011, 2024). The Manchester Avenue project site is located within the appeal jurisdiction of the CCC; therefore, the City's decision on the project's coastal development permit can be appealed to the CCC.

## 1.4 Public Review Process

Pursuant to CEQA Guidelines Section 15105(b), the MND will be available for a public comment period of not less than 30 days, from November 6, 2025, to December 8, 2025.

In reviewing the MND, affected public agencies and the interested public should focus on the sufficiency and adequacy of the document in identifying and analyzing the possible impacts on the environment, as well as ways in which the significant effects of the project are proposed to be avoided or mitigated.

Please provide comments on the MND in writing before the end of the comment period. Following the close of the public comment period, the City will consider this MND and comments received in determining whether to approve the proposed project. Written comments on the MND should be sent to the following address by December 8, 2025:

City of Encinitas
Attn: Esteban Danna
505 South Vulcan Avenue
Encinitas, California 92024

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# 2 Summary of Findings

The City, through its Development Services Department, is the lead agency responsible for the review and approval of the proposed project. The City has made the determination that an IS/MND is the appropriate environmental document to be prepared in compliance with CEQA.

## 2.1 Environmental Factors Potentially Affected

Based on the scope of the proposed project, the environmental factors listed below were determined to result in potentially significant impacts.

- Biological resources
- Cultural resources
- Geology and soils
- Greenhouse gas (GHG) emissions
- Tribal cultural resources (TCRs)

## 2.2 Environmental Determination

The City finds that after completion of the analysis, documentation, and impact determinations associated with preparation of the IS (see Section 3, Initial Study Checklist) all potentially significant impacts would be mitigated to a less-than-significant level, and the mitigation measures recommended within this IS/MND (see mitigation measures in Section 3.4, Biological Resources; Section 3.5, Cultural Resources; and Section 3.7, Geology and Soils) are feasible and appropriate for these topics.

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# 3 Initial Study Checklist

**1. Project title:**

Lake Drive Storm Drain and Manchester Avenue Culvert Outfall Project

**2. Lead agency name and address:**

City of Encinitas
505 South Vulcan Avenue
Encinitas, California 92024

**3. Contact person and phone number:**

Esteban Danna
760.633.2692
505 South Vulcan Avenue
Encinitas, California 92024

**4. Project location:**

The 25.32-acre Lake Drive project site is located in Encinitas at the intersection of Lake Drive and Sea Village Way at a latitude and longitude of 33°1′2.868″N, 117°16′7.209″W (Figure 1). The Lake Drive project site occurs on Section 26, Township 13 South, Range 4 West in the southeastern portion of the Encinitas U.S. Geological Survey 7.5-minute quadrangle. The Lake Drive project site occurs primarily on APN 261-150-69, but it also intersects the following APNs: 261-254-04, 261-254-48, 261-254-20, 261-254-03, 261-254-21, 261-232-40, 261-232-39, 261-255-30, 261-254-46, 261-254-05, and 261-254-22.

The 0.14-acre Manchester Avenue project site consists of an existing culvert outfall located on the south side of Manchester Avenue, approximately 180 feet to the east of the intersection of Ocean Cove Drive and Manchester Avenue, at a latitude and longitude of 33°0′33.894″N, 117°16′1.174″W (Figure 1). The Manchester Avenue project site occurs on Section 26, Township 13 South, Range 4 West in the southeastern portion of the Encinitas U.S. Geological Survey 7.5-minute quadrangle. The Manchester Avenue project site occurs on City right-of-way and on APN 261-210-13.

**5. Project sponsor's name and address:**

N/A

**6. General plan designation:**

Residential 3 (R-3)

Ecological Resource/Open Space/Parks (ER/OS/PK)

7. **Zoning:**

Residential 3 (R-3)

Ecological Resource/Open Space/Parks (ER/OS/PK)

8. **Description of project. (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary):**

The Lake Drive site includes an existing storm drain distribution alignment shown on Figure 1, maintained by the City, that runs from Lake Drive to I-5, down Ocean Cove Drive, and ends at an existing outlet under Manchester Avenue (the Manchester Avenue project site). The purpose of this project is for the City to maintain its existing storm drain distribution alignment and outlets within the Lake Drive and Manchester Avenue project sites over the long term to prevent threats to public health and safety. This includes the need for regular maintenance with adequate access via the access road at the Lake Drive project site and staging area adjacent to Manchester Avenue for equipment (e.g., small excavator, skid-steer or similar construction equipment), that will help clear and maintain this drainage system over the long term. These types of regular and long-term maintenance activities will ensure that the drainage system is not impeded and the storm drain alignment's ability to operate effectively is preserved.

As described above, the Lake Drive project site and adjacent open space areas, located to the northwest and southeast, occur within the MHCP hardline and softline FPAs, which are owned by Nature Collective. In 1975, the Cardiff Sea Village Map 8067 was approved and finalized by the County of San Diego (County), and the project site was designated as open space to mitigate for the Cardiff Sea Village impacts. In 1982, a storm drain pipeline was constructed by the County within the project site along the bottom of the canyon to collect and drain water from the surrounding developed area. The canyon and any natural drainage that previously existed was filled during installation of the storm drain pipeline. This existing pipe has failed in several areas, causing large pockets of erosion along the canyon. The pipeline alignment exists within the open space easement, without a designated drainage easement. The open space easement is owned by the City. Once the project design is complete, a drainage easement will be dedicated to the City over the permanent features (i.e., detention basin and maintenance access road).

In January 2023, a large sinkhole, roughly 600 feet across and 30 feet deep, developed during the winter storms below Lake Drive, collapsing a portion of the roadway and causing a severe landslide below Lake Drive within the open space canyon. With the issuance of an emergency coastal development permit (Emergency CDP G-6-23-0021, issued February 23, 2023), emergency work was conducted by the City from February 27 through September 27, 2023, including repairing the Lake Drive roadway (including curb, gutter, and sidewalk), removing and replacing 140 feet of CMP with reinforced concrete pipe, backfilling the slope with native soils/material and then hydroseeding of the slope, and installing a new energy dissipator at the bottom of the slope, to reduce storm flow velocities and flooding and prevent further threats to public health and safety. A second emergency coastal development permit (CDP-006953-2024, issued February 22, 2024) was issued for additional emergency work within the Lake Drive project site between January and February 2024 in response to 2023/2024 winter rain events, which caused the existing CMP to convey sediment from the canyon and flood several homes downstream of the Lake Drive project site. In response to the flooding, the City implemented a minimally invasive temporary solution that included a hi-line bypass with approximately 1,200 linear feet of 48-inch high-density polyethylene pipe through the canyon-associated storm drain riser inlets, desilting basins, and erosion/sediment control best management practices (BMPs) to prevent further erosion within the canyon as well as sedimentation downstream in the drainage system. The proposed project will remove the temporary 48-inch high-density polyethylene pipe and associated structures and replace it with a new 40-inch reinforced concrete pipe. The remaining portion of the existing CMP is also proposed for replacement under the current project. To be conservative, all project impacts analyzed within this MND are based on pre-landslide site conditions mapped prior to the January 2023 emergency events.

During installation of the new storm drain pipeline at Lake Drive, a temporary work area would be required along the length of the pipeline. The pipe would be installed in an excavated trench in accordance with the San Diego Regional Standard Drawings, Pipe Bedding and Trench Backfill for Storm Drains (i.e., drawing number D-60) (County of San Diego 2022). Shoring would be used to construct the needed trench to install the new storm drainpipe. Crushed rock (3/4 inch) would be placed below the new pipe, and backfill would be placed in the trench per the D-60 drawing. Permanent impacts would occur from the detention basin at the northern end of the project site, which will reduce storm flow velocities and flooding, and from the maintenance access road along the pipeline alignment. Any areas impacted outside the limits of the maintenance access road will be stabilized with a native vegetation hydroseed mix. The proposed project would also include an access road from Lake Drive along the length of the pipeline for entry to the detention basin and future maintenance of the pipeline. Based on the current proposed project schedule, construction is anticipated to take approximately 11 months, estimated to occur sometime between January 15, 2026, and November 30, 2031, pending project permitting and CEQA approvals and/or any unforeseen circumstances causing schedule delays (e.g., funding). Following construction, the project would involve ongoing operations and maintenance activities to ensure continued functionality of project components. These activities would include regular detention basin maintenance and inspections to ensure proper performance and sediment management. The underground pipeline would also be inspected periodically, as needed, to evaluate structural integrity and operational efficiency depending on pipeline condition. City staff would utilize the existing 20-foot-wide road easement off Lake Drive to provide access to the detention basin, and a new 25-foot-wide access road, composed of decomposed granite, along the length of the pipeline would provide adequate access to conduct routine maintenance and pipeline inspections.

As briefly referenced above, the 0.14-acre Manchester Avenue project site is partially located (0.01 acres) within the MHCP hardline and softline FPAs (City of Encinitas 2001) and within the San Elijo Lagoon Ecological Reserve. The San Elijo Lagoon Ecological Reserve is maintained by Nature Collective, a nonprofit agency, although much of the land within the San Elijo Lagoon is owned by the County. The culvert outfall is located on the south side (i.e., downstream side) of Manchester Avenue and conveys upstream stormwater through the distribution alignment and into San Elijo Lagoon. These stormwater flows are conveyed through natural ground percolation and into a J-channel that is approximately 130 feet long (existing just past the Manchester outfall). This conveyance system provides for treatment of stormwater flows prior to discharge, which helps contain those upstream flows, until percolated into the ground naturally, adjacent to the lagoon.

In December 2020, the City conducted emergency work due to the buildup of sediment within the culvert outfall, which hindered the stormwater system from functioning as designed, and a back-up of sediment and surface waters spilled throughout areas of the Cardiff Cove residential development and onto

Manchester Avenue. In addition to removing sediment to facilitate drainage to San Elijo Lagoon, the City increased the maintenance frequency of all upstream City-maintained sediment catch basins connected to the Manchester Avenue culvert. Since the initial sediment removal activities in December 2020, the City has assumed weekly site checks and as-needed basin and storm drain maintenance to prevent additional sediment deposition in San Elijo Lagoon.

Consistent with these ongoing and regular inspections, the proposed project would involve long-term maintenance (i.e., removal of accumulated sediment) at the existing culvert outfall to facilitate flows into the J-channel and percolation system described above, and prevent threats to public health and safety (Appendix A, Biological Technical Report). The frequency and duration of each maintenance event would occur as needed to reduce flood risk to life and property. The City needs the ability to maintain and clear out portions of the storm drain distribution system at all segments, including the downstream segment of the Manchester Avenue culvert outfall and the "J-channel" further downstream during major storm events to prevent flood risk to life and property.

The proposed project would consist of a City-owned staging area located within disturbed habitat immediately adjacent to Manchester Avenue but outside the San Elijo Lagoon Ecological Reserve and an approximate 130-foot excavation work area downstream of the existing culvert outfall. The staging area would be used to access the excavation work area and to stockpile the removed sediment. All sediment shall be exported to an approved dump site. The December 2020 emergency work was conducted over 3 days and removed an estimated 350 cubic yards of material, consisting of approximately 210 cubic yards of compatible beach sand and 140 cubic yards of mixed sediment. Future maintenance efforts are anticipated to initially remove up to approximately 350 cubic yards of material, with the volume of material expected to decrease during subsequent maintenance efforts due to the higher functionality of the upstream portions of the storm drain system. This material will either be removed to the nearest adjacent landfill, or, if deemed compatible by the City's Coastal Zone Program Administrator through the proper methods outlined in the City's Opportunistic Beach Fill Program, it can be placed at one of the recipient beach locations, outlined in the City's permitting authority. Two rotating dump trucks will export the material to the appropriate site over approximately 5 workdays.

In concert with the activities described above, including the emergency work and ongoing maintenance activities, mitigation and restoration efforts have also been undertaken. The project sites have been subjected to habitat restoration (i.e., planting of the following special-status species along Lake Drive: Shaw's agave [*Agave shawii* var. *shawii*], golden-spined cereus [*Bergerocactus emoryi*], cliff spurge [*Euphorbia misera*], and red-flowered buckwheat [*Eriogonum grande* var. *rubescens*]) and enhancement activities consisting of non-native species management at Manchester Avenue. Restoration has been focused on the areas of the Lake Drive project site occupied by eucalyptus woodland, disturbed habitat, and non-native grassland. Mitigation for the 2020 emergency work conducted at the Manchester Avenue project site focused on non-native species removal and native wetland species plantings within the immediate surrounding vicinity.

9. Surrounding land uses and setting (Briefly describe the project's surroundings):

The Lake Drive project site currently contains an existing CMP drainage pipe that is situated within the central drainage course of this undeveloped canyon. The project site occurs within a steep escarpment with elevation ranging from about 100 feet above mean sea level in the southwestern portion of the site to 250 feet above mean sea level in the northeastern portion of the site. Adjacent land uses include existing residential to the north and east, undeveloped land to the south and west, and I-5 to the west. The project site, including the area of direct impact (ADI), has been previously disturbed and subjected to past impacts to varying degrees by construction of I-5; freeway landscaping; installation of fencing; installation of the existing CMP, culverts, and curb inlets; and erosion. With the exception of the existing storm drain to be replaced, the project site is primarily undeveloped and covered with dense vegetation. The project site consists of "upper" steep slopes and "lower" gentle slopes with intermediate slope gradients in between. Vegetation within the canyon is moderately thick, primarily consisting of native chaparral shrubs, with some invasive plants/weeds and mature trees.

The Manchester Avenue project site is located on the south side of Manchester Avenue, approximately 180 feet to the east of the intersection of Ocean Cove Drive and Manchester Avenue. The Manchester Avenue project site occurs on City right-of-way. Topography within the Manchester Avenue project site is highest adjacent to the road at approximately 13 feet above mean sea level and drops to approximately 8 feet above mean sea level as the site enters the San Elijo Lagoon. Adjacent land uses to the Manchester Avenue project site include existing residential to the north and the San Elijo Lagoon Ecological Reserve to the east, south, and west. The site is primarily undeveloped with the exception of the existing outfall facilities.

**10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):**

The Lake Drive project site would require, prior to project implementation, state permitting from the California Department of Fish and Wildlife (CDFW) for a Streambed Alteration Agreement, required by California Fish and Game Code Section 1600 et seq., and from the Regional Water Quality Control Board (RWQCB) for waste discharge requirements.

The Manchester Avenue site would require, prior to project implementation, state permitting from CDFW for a Streambed Alteration Agreement, required by California Fish and Game Code Section 1600 et seq., from the U.S. Army Corps of Engineers (USACE) for a Section 404 permit, and from RWQCB for a Section 401 water quality certification. The CCC has appeal authority under the City's adopted LCP for the outfall component (including the "J-channel" of the proposed project.)

**11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

In accordance with California Public Resources Code Section 5024.1(c), the lead agency has initiated steps to determine the significance of a resource at its discretion and with substantial evidence. Prior to Assembly Bill (AB) 52 consultation, Dudek, on behalf of the City, requested a search of the Native American Heritage Commission (NAHC) Sacred Lands File on April 6, 2021, for the project area of potential effect (APE) and a 1-mile buffer. The Sacred Lands File consists of a database of known Native American resources. The NAHC response was received on April 21, 2021, stating that the Sacred Lands File search was completed and attached a contact list containing 22 Native American individuals and/or tribal organizations who may have direct knowledge of cultural resources in or near the project site. Outreach letters with a map and description of the planned project were mailed to these individuals and organizations on

February 11, 2022, with the intent of requesting information, opinions, or concerns relating to the proposed project. Following the February 11, 2022, letters, Dudek received responses from the Jamul Indian Village, the Rincon Band of Luiseño Indians (Rincon Band), and the Pasqual Band of Mission Indians, and these responses were forwarded to the City. An email was received on February 22, 2022, from Ms. Lisa K. Cumper, the Tribal Historic Preservation Officer for the Jamul Indian Village. Ms. Cumper stated the project APE is sensitive for Kumeyaay cultural resources. Additionally, a response was received from the Rincon Band on March 1, 2022, stating that the project site has cultural significance or ties to the Kumeyaay nation and recommending a tribal monitor be present to accompany any archaeologists. A response from the San Pasqual Band of Mission Indians was received on March 15, 2022, stating they would like to have a voice in developing measures to protect cultural resources and access to cultural resource reports. A record of the NAHC Sacred Lands File search and tribal outreach is included in Appendix B, Cultural Resources Inventory and Evaluation Report.

The City initiated the formal tribal consultation process for the purposes of AB 52 for the proposed project on March 10, 2025, to present a finalized version of the proposed project, including the Manchester Avenue culvert outfall component, to the California Native American tribes provided by the NAHC that are traditionally and culturally affiliated with the project area. Those tribes were notified in writing via mail and email for the opportunity to consult with the City regarding the proposed project. The Pala Band of Mission Indians (Pala Band), San Luis Rey Band of Mission Indians (San Luis Rey Band), and Rincon Band Tribes responded within 30 days and requested consultation. The City has conducted consultation with the Pala Band, San Luis Rey Band, and Rincon Band.

Consultation meetings were held with the Pala Band on March 18, 2025, and with the San Luis Rey Band on May 20, 2025, which included discussion of mitigation measures to avoid and minimize the impacts to cultural and tribal cultural resources.

An email was received on April 10, 2025, from Ms. Cheryl Madrigal, the Tribal Historic Preservation Officer for the Rincon Band. Ms. Madrigal requested the development of a Controlled Excavation Protocol in full collaboration with the Rincon Band and provided mitigation measures. Additionally, they requested discussing environmentally sensitive area fencing. Further, they requested a long-term preservation plan to develop a rehabilitation program after the proposed project for future maintenance and management of the larger Traditional Cultural Property/Traditional Cultural Landscape in order to define in detail the responsibilities of each signatory regarding preservation of the cultural resources affected by project development. Lastly, they requested KMZ files of project impact areas to identify potential temporary fence areas. In response, KMZ files of project impact areas were emailed to the Rincon Band on May 28, 2025.

Further, draft mitigation measures for the proposed project were emailed to the Pala Band, San Luis Rey Band, and Rincon Band on May 28, 2025. On June 10, 2025, and June 18, 2025, the City sent follow up emails to all three consulting tribes, which included a request for a response by June 26, 2025, if further consultation with the City was desired, otherwise consultation would be considered concluded. No responses were received, and consultations were closed on July 14, 2025. Mitigation Measure (MM) CUL-1 through MM-CUL-10 (see Section 3.5, Cultural Resources, and Section 3.18, Tribal Cultural Resources) would be implemented, and potential adverse impacts to cultural and tribal cultural resources would be less than significant.

## Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages.

| | | |
|---|---|---|
| ☐ Aesthetics | ☐ Agriculture and Forestry Resources | ☐ Air Quality |
| ☒ Biological Resources | ☒ Cultural Resources | ☐ Energy |
| ☒ Geology and Soils | ☒ Greenhouse Gas Emissions | ☐ Hazards and Hazardous Materials |
| ☐ Hydrology and Water Quality | ☐ Land Use and Planning | ☐ Mineral Resources |
| ☐ Noise | ☐ Population and Housing | ☐ Public Services |
| ☐ Recreation | ☐ Transportation | ☒ Tribal Cultural Resources |
| ☐ Utilities and Service Systems | ☐ Wildfire | ☒ Mandatory Findings of Significance |

## Determination (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Esteban Danna

Digitally signed by Esteban Danna
DN: C=US, E=edanna@encinitasca.gov, O=City of Encinitas, OU=Development Services, CN=Esteban Danna
Date: 2025.11.03 16:10:24-08'00'

11/3/2025

Signature | Date

## Evaluation of Environmental Impacts

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an Environmental Impact Report (EIR) is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a. Earlier Analysis Used. Identify and state where they are available for review.
   b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
   a. The significance criteria or threshold, if any, used to evaluate each question; and
   b. The mitigation measure identified, if any, to reduce the impact to less than significance

# 3.1 Aesthetics

| | | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **I.** | **AESTHETICS** – Except as provided in Public Resources Code Section 21099, would the project: | | | | |
| a) | Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☒ | ☐ |
| b) | Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☒ | ☐ |
| c) | In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | ☐ | ☐ | ☒ | ☐ |
| d) | Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☐ | ☒ |

***a) Would the project have a substantial adverse effect on a scenic vista?***

The City's General Plan identifies scenic resources in the form of viewsheds and scenic view corridors. The City's General Plan Resource Management Element defines critical viewsheds in the City as viewshed areas that extend radially for 2,000 feet from the vista point and that cover areas upon which development could potentially obstruct, limit, or degrade the view (City of Encinitas 2011). The City's General Plan Land Use Element identifies views from I-5 of natural open spaces, slopes, bluffs, and lagoon areas as within the I-5 scenic view corridor (City of Encinitas 2024). The project site is located within an undeveloped canyon adjacent to I-5 within the I-5 view corridor. Figure 3 of the Resource Management Element identifies the project site as being within a scenic view corridor but not within a significant viewshed (City of Encinitas 2011). The City's requirements for development within the Visual Corridor Overlay, such as the I-5 view corridor, includes maintaining existing vistas and views from existing roadways and scenic highways; prohibiting off-site signage; and if development occurs within a viewshed area, ensuring it is similar in scale, roofline, materials, color, massing, vegetation, colors, and location on the site (City of Encinitas 2011).

The Lake Drive project site is located in an area characterized by surrounding residential development to the north, south, and east and I-5 to the west. Views of the Lake Drive project site are limited to Lake Drive and Sea Village Way along the northern and eastern boundary of the project site. Views from Lake Drive would consist of Cardiff Cove Canyon looking west with the project site in the foreground, midground views of the San Elijo Lagoon, and longer-range views of the Pacific Ocean. The Manchester Avenue project site is located in an area characterized by surrounding residential development to the north past Manchester Avenue, and the San Elijo Lagoon Ecological Reserve to the east, south, and west. Views of this portion of the project site from Manchester Avenue would be similar to existing conditions of the lagoon, with the outfall not immediately visible from the road due to its placement just below and beyond the roadway.

The proposed project's replacement pipeline would follow a similar alignment to the existing pipeline, which is located underground within the central drainage course of Cardiff Cove Canyon and would not substantially alter the current views of the project site and surrounding area. Temporary impacts to the visual nature of the area may occur during construction activities due to temporary clearing of vegetation, construction equipment, and removal of the existing CMP. Given the temporary nature of impacts and because the proposed project would be replacing an existing pipe of the same size and characteristics, the project would not result in a permanent, substantial change in existing views of the project site or the surrounding area, with the exception of the proposed detention basin, which would be considered a permanent impact and a new feature to the area. However, due to the location and layout of the detention basin and outfall, as well as the existing terrain, the detention basin and outfall would not obstruct any existing views nor result in impacts to a scenic vista. The proposed project also includes an access road from Lake Drive along the length of the pipeline for entry to the detention basin and future maintenance of the pipeline. Once the project design is complete, a drainage easement will be dedicated to the City over the permanent impacts (i.e., detention basin and maintenance access road). The existing 20-foot-wide road easement off Lake Drive would provide access to the basin during future maintenance operations, and pipeline access would be provided by the 25-foot-wide access road drainage easement along the length of the pipeline as part of the proposed project The temporary use and staging of materials and small equipment for maintenance activities during operation, including small excavators, skid-steers, or similar construction equipment, would not obscure or substantially interrupt any scenic vista. The proposed project would not involve erecting structures that would permanently impact any scenic vista. Thus, the project would not have a substantial adverse effect on a scenic vista, and impacts would be **less than significant.**

*b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

As described above, the project site is located within an undeveloped canyon and open space area, and the impact area would be located along the route of the existing storm drainage pipeline. The project site locations are adjacent to I-5 and Manchester Avenue, which are not designated as state scenic highways; however, the segment of I-5 adjacent to the project site is designated as eligible for state scenic highway status (Caltrans 2019) and is designated a scenic highway as it crosses the San Elijo Lagoon in the City's General Plan (City of Encinitas 2011).

The proposed project would replace an existing storm drain pipeline that would follow the same alignment of the existing storm drain. While the project site is located in a scenic view corridor and is adjacent to I-5, the project sites would not be visible from I-5 given the terrain adjacent to the freeway, which obscures views of the central drainage course of the canyon where the pipeline would be replaced and where the detention basin would be constructed. Impacts during project operation would be similar to the existing condition of the project site because the project's pipeline would be located underground, so it would not be visible. Construction of the detention basin and access road would not result in substantial damage to any scenic resources. The project site does not contain any buildings or rock outcroppings. The project includes a landscape concept plan that would replace trees removed during construction at a 1:1 ratio. Therefore, the project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway, and impacts would be **less than significant.**

c) ***In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?***

The project site is located in an urbanized area of the City and is designated and zoned Residential 3 (R-3) and Ecological Resource/Open Space/Parks (ER/OS/PK). The City's Zoning Use Matrix (Municipal Code Section 30.09.010) allows utility uses under the R-3 and ER/OS/PK zones, and the proposed project would not conflict with the underlying zoning regulations. As described above, the City's requirements for development within the Visual Corridor Overlay include maintaining existing vistas and views from existing roadways and scenic highways; prohibiting off-site signage; and if development occurs within a viewshed area, ensuring it is similar in scale, roofline, materials, color, massing, vegetation, colors, and location on the site (City of Encinitas 2011). As the project would be replacing an existing underground pipeline within a similar alignment as the existing pipeline and the pipeline would be located underground, it would not be visible from adjacent roadways. Construction of the detention basin would result in a new feature to the area that does not currently exist. However, the detention basin would be required to comply with the development standards of the Visual Corridor Overlay, and due to the nature and location of the detention basin, it is not expected to substantially degrade the existing visual character or any public views. Ongoing maintenance of the Manchester Avenue culvert and outfall area would similarly not degrade the existing visual character of the site as it would not vary substantially from existing conditions and would occur no more frequently than every 3 years.

As the proposed project would not conflict with the underlying R-3 or ER/OS/PK zoning, which permits utility uses, or any other City regulations governing scenic quality as discussed above under Threshold (a), project impacts are determined to be **less than significant.**

d) ***Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?***

As discussed above, the proposed project includes the replacement of any existing underground pipeline, construction of a detention basin, and ongoing maintenance at the existing culvert outfall off Manchester Avenue, and all work would be done during daylight hours, so there would be no lighting required during construction activities. Post-construction, no lighting or glare features would be associated with the proposed project components. Due to the nature of the proposed project, it would not introduce any elements that would cause new substantial sources of light or glare. As a result, it is determined that **no impact** would occur.

## 3.2 Agriculture and Forestry Resources

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **II. AGRICULTURE AND FORESTRY RESOURCES** – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project: | | | | |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | ☐ | ☐ | ☐ | ☒ |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |

***a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?***

According to the Department of Conservation's Farmland Mapping and Monitoring Program, the project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The project site is designated as Other Land and is surrounded by parcels designated Other Land to the south and west, as well as parcels designated as Urban and Built-Up Land to the east and north. Due to the developed nature of the project site, there is no active agricultural production in the surrounding area (DOC 2018).

The project site is not mapped as, nor does it meet the criteria for, Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, and **no impact** would occur.

*b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The project site is zoned Residential 3 (R-3) and Ecological Resource/Open Space/Parks (ER/OS/PK), which does not allow for agricultural cultivation. The project site is not subject to a Williamson Act contract nor within proximity to properties subject to a Williamson Act contract. Therefore, the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and **no impact** would occur.

*c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

The City does not have any zoning classifications for forestland, timberland, or timberland production zones. The project site does not contain any forest or timberland as defined by California Public Resources Code Section 12220(g), California Public Resources Code Section 4526, or Government Code Section 51104(g) and is not zoned as forest or timberland. Therefore, **no impact** would occur.

*d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

The City is devoid of any lands that meet the definition of forest land, timberland, or timberland production zone. Therefore, the proposed project would not result in the loss of forest land or convert forest land to non-forest use, and **no impact** would occur.

*e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

As described above under Thresholds (b) and (c), the project site is zoned Residential 3 (R-3) and Ecological Resource/Open Space/Parks (ER/OS/PK) and is not zoned as forest land or timberland (City of Encinitas 2022a). The proposed project would replace an existing pipeline and maintain the Manchester Avenue culvert outfall and would not conflict with the existing zoning for the project site. The project site does not support any agricultural or forest land, nor are there any active agricultural operations or forestland within the vicinity of the project site. Therefore, the proposed project would not result in the conversion of farmland to a non-agricultural use or convert forestland to a non-forest use. Therefore, **no impact** would occur.

# 3.3 Air Quality

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **III. AIR QUALITY** – Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☒ | ☐ |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? | ☐ | ☐ | ☒ | ☐ |
| c) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☒ | ☐ |
| d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? | ☐ | ☐ | ☒ | ☐ |

***a) Would the project conflict with or obstruct implementation of the applicable air quality plan?***

The project site is in the San Diego Air Basin (SDAB). The periodic violations (National Ambient Air Quality Standards) in the SDAB, particularly for ozone ($O_3$) in inland foothill areas, requires that a plan be developed outlining the pollution controls that will be undertaken to improve air quality. In San Diego County, this attainment planning process is embodied in the Regional Air Quality Strategy (RAQS) developed by the San Diego County Air Pollution Control District (SDAPCD), with regional growth projections provided by the San Diego Association of Governments. The RAQS outlines SDAPCD's plans and regulatory control measures designed to attain state air quality standards for $O_3$. The RAQS, which was adopted by the San Diego County Air Pollution Control Board in 1992, is updated on a triennial basis.

SDAPCD also developed the SDAB's input into the State Implementation Plan (SIP), which is required under the federal Clean Air Act for pollutants that are designated as being in nonattainment of national air quality standards for the air basin. The SIP relies on the same information from the San Diego Association of Governments to develop emissions inventories and emissions control strategies that are included in the attainment plan for the air basin.

The proposed project relates to the SIP and/or RAQS through the land use and growth assumptions that are incorporated into the air quality planning document. These growth assumptions are based on each city's and county's General Plan. The proposed project would consist of the replacement of a storm drainage pipeline, construction of a detention basin, and ongoing maintenance of an existing culvert outfall and would not require a land use change or development that would increase the population or employment with the City. Therefore, the proposed project is within the scope of development that was anticipated in the City's General Plan, which was used to develop the RAQS and SIP. Operation of the proposed project would result in emissions that were considered as part of the RAQS growth projections. As such, the proposed project is not anticipated to conflict with either the RAQS or the SIP. Additionally, the operational emissions from the proposed project are below the screening levels and subsequently would not violate ambient air quality standards. Therefore, impacts would be **less than significant**.

*b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

The SDAB has been designated as a federal nonattainment area for $O_3$ and a state nonattainment area for $O_3$, coarse particulate matter, and fine particulate matter (CARB 2020). The air quality in the SDAB is the result of cumulative emissions from motor vehicles, off-road equipment, commercial and industrial facilities, and other emission sources. Projects that emit these pollutants or their precursors (i.e., volatile organic compounds and oxides of nitrogen for $O_3$) potentially contribute to poor air quality.

The County Guidelines for Determining Significance for Air Quality (County of San Diego 2007a) state that if two or more projects are being constructed simultaneously, and one project would have a significant direct impact on air quality through emissions of coarse particulate matter, fine particulate matter, oxides of nitrogen, and/or volatile organic compounds, or if the combined emissions from the proposed project and other proposed projects or reasonably foreseeable future projects in the vicinity would exceed the established guidelines, the impact would be considered significant.

The proposed project would involve replacement of an existing storm drain pipeline, construction of a new detention basin, and ongoing maintenance of an existing culvert outfall. Construction of the proposed project would result in the temporary addition of pollutants to the local airshed caused by on-site sources (i.e., off-road construction equipment, trenching, soil disturbance, and volatile organic compound off-gassing) and off-site sources (i.e., on-road haul trucks, vendor trucks, and worker vehicle trips). Construction emissions can vary substantially from day to day, depending on the level of activity; the specific type of operation; and, for dust, the prevailing weather conditions.

Implementation of the proposed project would generate air pollutant emissions from entrained dust, off-road equipment, and vehicle emissions. Entrained dust results from the exposure of earth surfaces to wind from the direct disturbance and movement of soil, resulting in coarse particulate matter and fine particulate matter emissions. The proposed project would implement various dust control strategies and would be required to comply with SDAPCD Rule 55 to control dust emissions generated during grading activities. Proposed construction practices that would be employed to reduce fugitive dust emissions include watering the active sites and access roads two times per day, depending on weather conditions, and restricting vehicle speed on unpaved roads to 15 miles per hour.

Construction-generated emissions would be temporary and would not represent a long-term source of criteria air pollutant emissions. Additionally, impacts from fugitive dust debris, emissions, and other criteria pollutant emissions during grading and construction would be reduced through standard dust control measures and typical construction BMPs, including watering and other appropriate measures, as per the stormwater pollution prevention plan (SWPPP) to meet National Pollutant Discharge Elimination System (NPDES) regulations. Therefore, emissions from the construction phase would be minimal, temporary, and localized, resulting in pollutant emissions that are not anticipated to significantly or cumulatively contribute to an existing or projected air quality violation.

Upon completion of project construction, operational activities associated with the proposed project would be limited in scope. The proposed project would not involve routine daily equipment operation or regular vehicle trips. Periodic maintenance, repair, and inspections would occur to ensure proper performance, sediment management, and structural integrity, as needed, to reduce flood risk to life and property, as further described in the project description. These activities would not represent a substantial change in the City's ongoing operations relative to existing conditions and would not require additional vehicle trips or workers. Because long-term operational activities would be minimal, impacts related to criteria air pollutant emissions would be nominal.

Given the limited emissions potentially associated with the proposed project, air quality would be essentially the same whether or not the proposed project is implemented. According to CEQA Guidelines Section 15064(h)(3), the proposed project's incremental contribution to the cumulative effect is not cumulatively considerable. For the reasons stated above, impacts are determined to be **less than significant.**

*c) Would the project expose sensitive receptors to substantial pollutant concentrations?*

The closest off-site sensitive receptors to the proposed project are existing residential land uses located adjacent to the northeastern corner of the project site boundary for the Lake Drive project site and residences north of Manchester Avenue for the Manchester Avenue project site. Given the nature of the proposed project and the anticipated construction-related emissions discussed above under Threshold (b), the proposed project would not expose adjacent residences to substantial pollutant concentrations. After proposed construction is completed, there would be no substantial long-term source of emissions, as the proposed project is the replacement of an underground pipeline and maintenance of the existing culvert outfall. Therefore, impacts would be **less than significant.**

*d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

Odors would be potentially generated from vehicles and equipment exhaust emissions during project construction. Potential odors produced during construction would be attributable to construction equipment; however, construction would be short term, and any odors would disperse rapidly from the site, considering the location, and would not affect substantial numbers of people. Therefore, impacts associated with odors during construction would be **less than significant.**

# 3.4 Biological Resources

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **IV. BIOLOGICAL RESOURCES** – Would the project: | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☒ | ☐ | ☐ |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☒ | ☐ | ☐ |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☒ | ☐ | ☐ |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☒ | ☐ |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☒ | ☐ | ☐ |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☒ | ☐ | ☐ |

As part of the biological technical report prepared for the project site (Appendix A), biological field surveys were conducted in 2021 and 2023 by Dudek biologists. Surveys conducted within the Lake Drive project site included a biological reconnaissance survey that included vegetation mapping and an assessment for jurisdictional aquatic resources, a formal jurisdictional delineation, rare plant surveys, and protocol-level surveys for coastal California gnatcatcher and Pacific pocket mouse (*Perognathus longimembris pacificus*). Surveys conducted within the Manchester Avenue project site included vegetation mapping, jurisdictional delineation, and a biological assessment for coastal California gnatcatcher and Ridgway's rail (*Rallus obsoletus*).

The referenced biological technical report describes the direct and indirect impacts from the proposed project on special-status biological resources. Direct impacts at the Lake Drive project site would include permanent impacts associated with the detention basin and access road and temporary impacts associated with the placement of new pipeline. All temporary impacts would be restored in-place after pipeline installation. Direct impacts at the Manchester Avenue project site would include temporary impacts associated with sediment removal. All temporary impacts occurring to biological resources at the Manchester Avenue project site are anticipated to fully recover upon completion of the sediment removal activities. To be conservative, all Lake Drive project site impacts analyzed within this report are based on pre-landslide site conditions mapped prior to the January 2023 emergency events. Mitigation measures are numbered based on the order presented in the biological technical report (Appendix A).

*a)* ***Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?***

### Lake Drive Direct Impacts to Special-Status Plants

Impacts to special-status plants are summarized in Table 8 of Appendix A. The following special-status plants were observed within the Lake Drive project site: Campbell's liverwort (*Geothallus tuberosus*), Del Mar Mesa sand aster (*Corethrogyne filaginifolia* var. *linifolia*), Nuttall's scrub oak (*Quercus dumosa*), Torrey pine (*Pinus torreyana* ssp. *torreyana*), San Diego barrel cactus (*Ferocactus viridescens*), wart-stemmed ceanothus (*Ceanothus verrucosus*), and sea dahlia (*Leptosyne maritima*). Of the seven special-status species observed, five would be directly impacted by the proposed project at the Lake Drive project site: Campbell's liverwort, Del Mar Mesa sand aster, Torrey pine, wart-stemmed ceanothus, and sea dahlia. Direct impacts would also occur to planted Shaw's agave and golden-spined cereus. Because these species were planted outside their native range, impacts to these individuals would be **less than significant**. Additionally, impacts occurred to one wart-stemmed ceanothus individual and three sea dahlia individuals during the January 2023 sinkhole and landslide emergency. These species were replanted by Nature Collective in December 2023 as part of their slope revegetation efforts and are therefore not included in the proposed project impacts listed below. The revegetation area will be included in the proposed project's Upland Habitat Mitigation and Monitoring Plan (Appendix H within Appendix A to this MND) but only for monitoring and maintenance, as the revegetation has already occurred. Further discussion of direct impacts by species is provided below.

#### Del Mar Mesa Sand Aster

Conservation goals for Del Mar Mesa sand aster include ensuring species persistence within the MHCP plan area by conserving major populations, critical locations, and required habitat of Del Mar Mesa sand aster if this plant is determined to be a valid taxon (SANDAG 2003). The Del Mar Mesa sand aster on site is part of a major population identified in the MHCP plan area. The MHCP did not identify any critical locations of this species (SANDAG 2003). A genetics study examining both cpDNA and nrDNA data conducted in 2014 did not detect genetic differences among individuals of Del Mar Mesa sand aster and San Diego sand aster (*Corethrogyne filaginifolia* var. *incana*), which is also a California Rare Plant Rank (CRPR) 1B.1 species (Kaur and Sharma 2017). However, impacts to Del Mar sand aster on site would be significant absent mitigation due to the following: Del Mar Mesa sand aster is currently still recognized as special-status as a CRPR 1B.1 species, the project site is located inside an FPA and overlaps a major population of Del Mar Mesa sand aster identified by the MHCP, and Del Mar Mesa sand aster is a narrow endemic species. Individuals of Del Mar Mesa sand aster that occur within the impact footprint would be flagged and avoided or translocated in accordance with **MM-BIO-3**. With implementation of **MM-BIO-3** and **MM-BIO-4**, which provides for biological monitoring during construction, impacts to Del Mar Mesa sand aster would be reduced to **less than significant with mitigation incorporated.**

### Wart-Stemmed Ceanothus

Conservation goals for wart-stemmed ceanothus include ensuring species persistence within the MHCP plan area by conserving major populations and required habitat in a configuration that maintains a regional metapopulation (SANDAG 2003). Wart-stemmed ceanothus on site is not part of a major population identified in the MHCP, but a major population occurs northwest of the Lake Drive project site. Because wart-stemmed ceanothus is a characteristic species in southern maritime chaparral (Oberbauer et al. 2008), mitigation for impacts to native vegetation communities would also mitigate for impacts to this species. Therefore, with implementation of **MM-BIO-1**, direct impacts to wart-stemmed ceanothus on site would be reduced to **less than significant with mitigation incorporated.**

### Torrey Pine

Conservation goals for Torrey pine include conserving major populations, critical locations, and required habitat (SANDAG 2003). However, no major populations or critical locations are identified in the MHCP. Two Torrey pines occur within the temporary impact footprint, and one occurs within the permanent impact footprint. Because Torrey pine is a CRPR 1B.2 species and the Lake Drive project site is located inside an FPA, impacts to Torrey pine on site would be significant absent mitigation. Individuals of Torrey pine that occur within the temporary impact footprint will be flagged and avoided or mitigated by planting Torrey pine on site at a 1:1 ratio in accordance with **MM-BIO-5**. With implementation of **MM-BIO-5** and **MM-BIO-4**, which provides for biological monitoring during construction, impacts to Torrey pine would be reduced to **less than significant with mitigation incorporated.**

### Sea Dahlia

Because sea dahlia is a CRPR 2B.2 species and the project site is located inside an FPA, impacts to sea dahlia on site would be significant absent mitigation. Individuals of sea dahlia that occur within the impact footprint will be flagged and avoided or mitigated by planting sea dahlia on site at a 1:1 ratio in accordance with **MM-BIO-6**. With implementation of **MM-BIO-6** and **MM-BIO-4**, which provides for biological monitoring during construction, impacts to sea dahlia would be reduced to **less than significant with mitigation incorporated.**

### Campbell's Liverwort

Similar to Del Mar Mesa sand aster, Campbell's liverwort is a CRPR 1B.1 species, and because the project site is located inside an FPA, impacts to Campbell's liverwort would be significant absent mitigation. Campbell's liverwort within the impact footprint will be flagged and avoided or covered to reduce impacts from trampling, or mitigated by salvaging and establishing Campbell's liverwort in accordance with **MM-BIO-7**. With implementation of **MM-BIO-7** and **MM-BIO-4**, which provides for biological monitoring during construction, impacts to Campbell's liverwort would be reduced to **less than significant with mitigation incorporated.**

### Lake Drive Direct Impacts to Special-Status Wildlife and Nesting Birds

No special-status amphibians are likely to occur on the Lake Drive project site. Coastal California gnatcatcher, Cooper's hawk (*Accipiter cooperii*), and Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*) were observed (Figure 6A in Appendix A). Two special-status mammal species were captured during the small mammal live-trapping surveys: northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*) and San Diego desert woodrat (*Neotoma lepida intermedia*). In addition, the following species have not been detected on site but have a moderate to high potential to occur: Crotch's bumble bee (*Bombus crotchii*), Blainville's horned lizard (*Phrynosoma blainvillii*), California glossy snake (*Arizona elegans*), orange-throated whiptail (*Aspidoscelis hyperythra*), red diamond rattlesnake (*Crotalus ruber*), San Diegan tiger whiptail (*Aspidoscelis tigris stejnegeri*), southern California legless lizard (*Anniella stebbinsi*), western bluebird (*Sialia mexicana*), Dulzura pocket mouse (*Chaetodipus californicus femoralis*), Jacumba pocket mouse (*Perognathus longimembris internationalis*), and pallid bat (*Antrozous pallidus*). Impacts to suitable habitat for these species with moderate to high potential to occur would be **less than significant** due to lack of species observations. A discussion of direct impacts by guild is provided below.

#### Listed Birds

Coastal California gnatcatcher was observed nesting within the northern-central portion of the Lake Drive project site but outside of any proposed impact areas. Temporary impacts within the Lake Drive project site to coastal California gnatcatcher suitable habitat (i.e., Diegan coastal sage scrub and southern maritime chaparral) total 1.19 acres. Permanent impacts to suitable habitat total 2.40 acres and occur within USFWS-designated critical habitat for coastal California gnatcatcher. Potential direct impacts to coastal California gnatcatcher individuals and suitable habitat would be significant absent mitigation.

Project implementation of MM-BIO-1 provides for compensation for the permanent loss of coastal California gnatcatcher suitable habitat, and in-place restoration for all temporary impact areas. The Lake Drive project site would remain an open space area, containing 21.36 acres of suitable habitat for use by this species after the detention basin and access road have been built. Because this species is mobile, direct impacts to adult individuals are not anticipated. However, direct impacts could occur to nesting individuals, which would be avoided through implementation of MM-BIO-4, which requires biological monitoring during any vegetation clearing and trenching activities at the Lake Drive project site. Additional protections for nesting coastal California gnatcatchers would be provided through implementation of MM-BIO-8, which requires a pre-construction nesting bird survey and avoidance measures, and MM-BIO-9, which requires biological monitoring during the breeding season specifically for coastal California gnatcatcher. Therefore, all impacts to coastal California gnatcatcher would be reduced to **less than significant with mitigation incorporated.**

#### Other Special-Status Birds and Nesting Birds

Cooper's hawk, Southern California rufous-crowned sparrow, and western bluebird could all nest on site within habitats that would be impacted by the proposed project. Potential direct impacts to nesting Cooper's hawk are not anticipated because no eucalyptus trees are proposed for removal with project implementation. Potential direct impacts to nesting birds, including special-status species (Cooper's hawk, Southern California rufous-crowned sparrow, and western bluebird), on site may occur if construction occurs during the breeding season. However, pre-construction nesting bird surveys (MM-BIO-8) during the breeding season (i.e., February 15 through September 15) are a condition of project approval and would avoid impacts to nesting birds in accordance with the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. Given the mobile nature of these species (i.e., they are likely to move away from the project site to use adjacent areas of equally suitable habitat), it is anticipated that the proposed project would not result in direct impacts to birds outside of the nesting season. Impacts to suitable habitat for nesting birds would be significant and would be mitigated to less than significant through implementation of **MM-BIO-1**. Therefore, all impacts to other special-status birds and nesting birds would be reduced to **less than significant with mitigation incorporated.**

#### Reptiles

No special-status reptiles have been observed on site, but Blainville's horned lizard, California glossy snake, orange-throated whiptail, red diamond rattlesnake, San Diegan tiger whiptail, and southern California legless lizard have a moderate or high potential to occur. Due to the presence of suitable scrub and chaparral habitat, **MM-BIO-4**, which requires biological monitoring, would be implemented to avoid significant impacts to these species. Therefore, all impacts to special-status reptiles would be reduced to **less than significant with mitigation incorporated.**

#### Small Mammals

Two special-status small mammals, northwestern San Diego pocket mouse and San Diego desert woodrat, were captured on site during the small mammal live-trapping surveys. Impacts to habitat occupied by the northwestern San Diego pocket mouse and San Diego desert woodrat would be mitigated through implementation of **MM-BIO-1**, which provides compensation for the loss of habitat and restoration of temporary impact areas. Impacts to individuals would be reduced to less than significant through implementation of **MM-BIO-4**, which requires biological monitoring, and **MM-BIO-10**, which would require avoidance of woodrat middens. Additionally, Dulzura pocket mouse and Jacumba pocket mouse could occur within the coastal scrub and chaparral habitats on site. Due to the presence of suitable scrub and chaparral habitat, **MM-BIO-4**, which requires biological monitoring, would be implemented to avoid significant impacts to these species. Therefore, all impacts to these species would be reduced to **less than significant with mitigation incorporated.**

#### Bats

Pallid bat could occur on site and potentially roost in the ornamental trees on site. Potential direct impacts to roosting pallid bat may occur if construction occurs during the roosting season. However, it is highly unlikely that roosting or foraging pallid bat individuals would be impacted by the proposed project due to the small extent of impacts and the mobile nature of this species (i.e., they are likely to move away from the project site to use adjacent areas of equally suitable habitat). In addition, **MM-BIO-4**, which requires biological monitoring, would be implemented to avoid significant impacts to pallid bat. Therefore, all impacts to potentially occurring bat species would be reduced to **less than significant with mitigation incorporated.**

### Culvert Outfall (Manchester Avenue) Direct Impacts to Special-Status Plants

No special-status plants were observed during the site visits, and there are no special-status plant species with moderate or high potential to occur within the Manchester Avenue project site. Therefore, no direct impacts are anticipated from project implementation to special-status plant species. As such, direct impacts to special-status plants within the Manchester Avenue site would be **less than significant.**

### Culvert Outfall (Manchester Avenue) Special-Status Wildlife Species and Nesting Birds

No special-status wildlife species were observed during the site visits. There is only one special-status species, western bluebird, that has moderate potential to forage within the site and a few special-status species that are known to occur within the San Elijo Lagoon (i.e., immediate vicinity of the site) but that have low potential to occur within the project site: south coast garter snake (*Thamnophis sirtalis* ssp.), two-striped gartersnake (*Thamnophis hammondii*), California black rail (*Laterallus jamaicensis coturniculus*), coastal California gnatcatcher, least Bell's vireo (*Vireo bellii pusillus*), Ridgway's rail, white-faced ibis (*Plegadis chihi*), white-tailed kite (*Elanus leucurus*), yellow warbler (*Setophaga petechia*), and mule deer (*Odocoileus hemionus*). Therefore, because the Manchester Avenue project site is very small (0.14 acres), is composed mainly of disturbed habitat, and occurs adjacent to an existing roadway and impacts from sediment removal activities would be temporary and occur over a short duration (i.e., less than 1 week), direct impacts to special-status wildlife species are not anticipated to occur. However, direct impacts would be further avoided through implementation of **MM-BIO-4**, which would require biological monitoring to ensure that practicable measures are being employed. Therefore, all impacts to special-status species would be reduced to **less than significant with mitigation incorporated.**

Sediment removal activities at the Manchester Avenue project site are not anticipated to occur during the nesting bird season (i.e., February 15 through September 15). However, potential direct impacts to nesting birds may occur if sediment removal activities occur during the breeding season. Direct impacts to nesting birds would be avoided through implementation of **MM-BIO-8**, which requires a pre-construction nesting bird survey and implementation of measures to avoid/minimize impacts to breeding/nesting birds (e.g., sound walls), in accordance with the MBTA and California Fish and Game Code. Therefore, all impacts to nesting birds would be reduced to **less than significant with mitigation incorporated**.

Direct impacts would occur within USFWS-designated critical habitat for coastal California gnatcatcher at the Manchester Avenue project site (Figure 6B in Appendix A). Although there is disturbed Diegan coastal sage scrub immediately adjacent to the Manchester Avenue project site, there is no suitable habitat (i.e., coastal sage scrub) for this species within the site (i.e., no Diegan coastal sage scrub would be removed during sediment removal activities, and there would be no permanent loss of suitable habitat for coastal California gnatcatcher). No coastal California gnatcatchers were observed during the site visits within the site or the immediate vicinity. Due to the limited size (0.14 acres) and level of disturbance (i.e., 57% consists of disturbed habitat lacking vegetation) within the Manchester Avenue project site and minimal suitable coastal sage scrub habitat within the immediate vicinity (i.e., project site is immediately adjacent to an existing roadway), it is unlikely this species would occur within the site. All sediment removal activities occurring at the Manchester Avenue project site would occur outside the coastal California gnatcatcher breeding season, and if the breeding season cannot be avoided, pre-construction surveys shall be conducted by a qualified biologist prior to sediment removal activities to determine whether breeding California gnatcatchers occur within 500 feet of the Manchester Avenue project site as directed by **MM-BIO-8**. Measures (e.g., sound walls) to avoid/minimize impacts to breeding coastal California gnatcatchers within 500 feet of the work areas would be implemented in accordance with **MM-BIO-8**. All direct impacts to coastal California gnatcatcher would be further avoided through implementation of **MM-BIO-4**, which requires pre-construction meetings and construction monitoring. Therefore, direct impacts to coastal California gnatcatcher individuals or suitable habitat would be reduced to **less than significant with mitigation incorporated.**

### Project (Lake Drive and Manchester Avenue) Indirect Impacts

Short-term indirect impacts to vegetation communities include dust, erosion, temporary access impacts, and accidental trampling. BMPs to be followed during construction would be implemented according to **MM-BIO-12** and would minimize indirect impacts to surrounding vegetation, which could occur through deposit of material, such as dust or fuel, on foliage. Indirect impacts would be reduced through permit compliance and standard BMPs. Specifically, the City would incorporate methods to control runoff, including a SWPPP to meet NPDES regulations (**MM-BIO-12**). Implementation of stormwater regulations is expected to substantially control adverse edge effects (e.g., erosion, sedimentation, habitat conversion) during and following construction both adjacent to and downstream of the project site. Typical construction BMPs specifically related to reducing impacts from dust, erosion, and runoff generated by construction activities will be implemented. Indirect impacts would be further avoided through implementation of **MM-BIO-4**, which would require biological monitoring to ensure that practicable measures are being employed to avoid incidental disturbance of habitat outside the disturbance footprint. As such, short-term indirect impacts to vegetation communities would be reduced to **less than significant with mitigation incorporated.**

Long-term indirect impacts to sensitive vegetation communities would be **less than significant** at the Lake Drive and Manchester Avenue project sites as long-term maintenance activities would be infrequent, occur over a short duration, and be limited to a specific area (i.e., within the Lake Drive detention basin or along the pipeline access road, below the Manchester Avenue culvert outfall).

#### Special-Status Plants

Potential temporary indirect impacts to special-status plants are similar to those described above for vegetation communities and include accidental trampling and decreased vigor from dust. **MM-BIO-4**, which requires biological monitoring, would be implemented to avoid significant indirect impacts to special-status plants during construction. Indirect impacts would be also reduced through permit compliance and standard BMPs. Specifically, the City would incorporate methods to control runoff, including a SWPPP to meet NPDES regulations. Implementation of stormwater regulations is expected to substantially control adverse edge effects (e.g., erosion, sedimentation, habitat conversion) during and following construction both adjacent to and downstream of the project site. Typical construction BMPs, specifically related to reducing impacts from dust, erosion, and runoff generated by construction activities, would be implemented. As such, temporary indirect impacts to special-status plants would be reduced to **less than significant with mitigation incorporated.**

Long-term indirect impacts to special-status plant species would be **less than significant** at the Lake Drive and Manchester Avenue project sites as long-term maintenance activities would be infrequent, occur over a short duration, and be limited to a specific area (i.e., within the Lake Drive detention basin or along the pipeline access road, below the Manchester Avenue culvert outfall).

### Special-Status Wildlife Species and Nesting Birds

Most of the indirect impacts to vegetation communities previously described can also affect special-status wildlife. Wildlife may also be indirectly affected in the short term by construction-related noise, which can disrupt normal activities and subject wildlife to higher predation risks. Adverse edge effects can cause degradation of habitat quality through erosion, sedimentation, and/or habitat conversion. Indirect impacts to special-status wildlife species would be avoided through implementation of **MM-BIO-4**, which would require biological monitoring to ensure that practicable measures are being employed to avoid incidental disturbance of habitat for special-status species outside the disturbance footprint. Indirect impacts would be further reduced through permit compliance and standard BMPs outlined in **MM-BIO-12.**

Breeding birds can be significantly affected by short-term construction-related noise, which can result in the disruption of foraging, nesting, and reproductive activities. Nesting bird species present or potentially present adjacent to work areas, including coastal California gnatcatcher and raptors such as Cooper's hawk, may nest within the shrubs and trees on site and within 500 feet of work areas. These species are protected under the MBTA. If nesting birds, including raptors, nest in off-site areas within 500 feet of a work area, short-term indirect impacts from noise could occur if construction takes place during their breeding season (February 15 through September 15). As a condition of project approval, pre-construction nesting bird surveys and measures to avoid/minimize impacts to breeding/nesting birds (e.g., sound walls) (**MM-BIO-8**) would be implemented during the breeding season and would avoid impacts to nesting birds in accordance with the MBTA and California Fish and Game Code. As such, temporary indirect impacts to special-status wildlife species and nesting birds would be reduced to **less than significant with mitigation incorporated.**

Long-term indirect impacts to special-status wildlife species would be **less than significant** at the Lake Drive and Manchester Avenue project sites as long-term maintenance activities would be infrequent, occur over a short duration, and be limited to a specific area (i.e., within the Lake Drive detention basin or along the pipeline access road, below the Manchester Avenue culvert outfall).

***b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?***

Implementation of the proposed project would result in direct permanent and temporary impacts at the Lake Drive project site to southern maritime chaparral, Diegan coastal sage scrub (coastal, *Baccharis*-dominated, and restored/landscaped forms), non-native grassland, eucalyptus woodland, and urban/developed areas, as depicted in Figure 5, Impacts to Biological Resources at the Lake Drive Project Site, and listed in Table 6 of Appendix A to this MND. Direct impacts at the Lake Drive project site would include permanent impacts associated with the detention basin and access road and temporary impacts associated with the replacement of new pipeline. All temporary impacts would be restored in-place after pipeline installation. Also included in Table 6 and shown on Figure 6A in Appendix A are the impacts to vegetation communities and land cover types that occurred during the January 2023 sinkhole and landslide emergency below Lake Drive. The City's emergency work consisted of the Lake Drive roadway repair, backfill of the slope with native soils/material, hydroseeding of the slope, and installation of an energy dissipator within the location for the proposed detention basin. Impacts occurring from the Lake Drive roadway collapse and repair as well as those occurring within the proposed detention basin are considered permanent, and impacts along the slope are considered temporary, as they were revegetated to coastal sage scrub after the emergency work concluded. The temporary impacts along the slope leading into the detention basin were revegetated to coastal sage scrub by Nature Collective in December 2023, and maintenance has been ongoing since January 2024. These revegetation areas will be included in the proposed project's Upland Habitat Mitigation and Monitoring Plan (included as part of Appendix A) but only for monitoring and maintenance, as the revegetation has already occurred.

Direct permanent and temporary impacts to southern maritime chaparral and Diegan coastal sage scrub (including coastal form and *Baccharis*-dominated) vegetation communities at the Lake Drive project site would be significant absent mitigation. With implementation of **MM-BIO-1**, which requires an Upland Habitat Mitigation and Monitoring Plan (Appendix H within Appendix A) and provides for on-site compensatory mitigation for permanent impacts and in-place restoration of temporary impacts, impacts to sensitive vegetation communities would be reduced to less than significant. Direct permanent impacts to eucalyptus woodland, disturbed habitat, and urban/developed areas are not considered significant because these disturbed/developed types have minimal biological value and therefore do not require mitigation. It should be noted that no eucalyptus trees are proposed for removal with project implementation. All temporary impacts to eucalyptus woodland, disturbed habitat, and urban/developed areas shall be hydroseeded for stabilization and erosion control purposes. Direct impacts to sensitive natural communities at the Lake Drive project site would be **less than significant with mitigation incorporated.**

Implementation of the proposed project would also include a staging area below Manchester Avenue and a work area where sediment removal (i.e., excavation) activities would occur below the culvert outfall. The staging area would be used to access the excavation work area and to stockpile the removed sediment. All impacts occurring within the Manchester Avenue project site are considered temporary, as the frequency and duration of each maintenance event would be limited to the minimum necessary to reduce flood risk to life and property and would occur no more frequently than every 3 years. Impacts to vegetation communities and land cover types are depicted in Figure 6, Impacts to Biological Resources at the Manchester Avenue Project Site, and listed in Table 9 in Appendix A.

The staging area is located entirely within disturbed habitat, which is not considered a sensitive vegetation community as it has minimal biological value. Therefore, temporary impacts occurring as a result of the staging area within disturbed habitat do not require mitigation.

All proposed excavation activities would result in temporary direct impacts to open water and coastal and valley freshwater marsh. The purpose of the proposed project is to remove sediment buildup below the culvert outfall to prevent flooding across Manchester Avenue. No tree removal is proposed during excavation activities. Excavation of the sediment below the culvert outfall would also remove coastal and valley freshwater marsh. However, the freshwater marsh includes fast-growing, herbaceous species (e.g., southern cattail [*Typha domingensis*]), and the excavation activities would occur at a frequency and duration that would allow the coastal and valley freshwater marsh to regenerate prior to the next maintenance event (i.e., no more frequently than every 3 years). Therefore, impacts resulting from excavation activities would be temporary, and all the coastal and valley freshwater marsh is anticipated to fully recover upon completion of the sediment removal. Additionally, impacts from the proposed project to open water are not anticipated as the sediment removal activities would result in a higher functioning channel (e.g., flood storage, slower flows, sediment capture) providing a net benefit (i.e., water quality protection) to downstream aquatic resources associated with the San Elijo Lagoon. Due to sediment buildup, water from the culvert outfall is flowing east outside of the channel instead of south toward the San Elijo Lagoon. After the sediment is removed (i.e., normal conditions), the water flow will be contained within the channel, and the area it currently occupies would be mapped as disturbed habitat. Therefore, temporary direct impacts to open water and coastal and valley freshwater marsh at the Manchester Avenue project site would be **less than significant,** and no mitigation would be required.

However, in response to the December 2020 emergency sediment removal at the Manchester Avenue project site, the City and Nature Collective conducted mitigation for the 0.11 acres of impacts, including 0.09 acres of coastal and valley freshwater marsh and 0.02 acres of southern riparian woodland, as summarized in Appendix J, Manchester Avenue Emergency Sediment Removal Post-Construction Report, of Appendix A to this MND. A total of 0.22 acres of rehabilitation, including weed removal and native species plantings, of southern coastal salt marsh, coastal and valley freshwater marsh, and southern riparian woodland was conducted within the surrounding area of San Elijo Lagoon. Refer to Appendix J of Appendix A for details on the mitigation efforts for the emergency work.

Short-term indirect impacts to vegetation communities at both the Lake Drive and Manchester Avenue project sites include dust, erosion, temporary access impacts, and accidental trampling. BMPs to be followed during construction would be implemented according to **MM-BIO-12** and would minimize indirect impacts to surrounding vegetation, which could occur through deposit of material, such as dust or fuel, on foliage. Indirect impacts would be reduced through permit compliance and standard BMPs. Specifically, the City would incorporate methods to control runoff, including a SWPPP to meet NPDES regulations (**MM-BIO-12**). Implementation of stormwater regulations is expected to substantially control adverse edge effects (e.g., erosion, sedimentation, habitat conversion) during and following construction both adjacent to and downstream of the project site. Typical construction BMPs specifically related to reducing impacts from dust, erosion, and runoff generated by construction activities would be implemented. Indirect impacts would be further avoided through implementation of **MM-BIO-4**, which would require biological monitoring to ensure that practicable measures are being employed to avoid incidental disturbance of habitat outside the disturbance footprint. Long-term indirect impacts to sensitive vegetation communities would be less than significant at the Lake Drive and Manchester Avenue project sites as long-term maintenance activities would be infrequent, occur over a short duration, and be limited to a specific area (i.e., within the Lake Drive detention basin or along the pipeline access road, below the Manchester Avenue culvert outfall). Therefore, indirect impacts to riparian habitat or other sensitive natural communities identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or USFWS would be reduced to **less than significant with mitigation incorporated.**

***c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?***

There are no USACE jurisdictional aquatic resources within the Lake Drive project site. The proposed project would permanently impact 0.003 acres and temporarily impact 0.005 acres of aquatic resources under the jurisdiction of RWQCB, CDFW, the CCC, and the City at the Lake Drive project site. Additionally, the January 2023 sinkhole and landslide emergency that occurred below Lake Drive temporarily impacted 0.002 acres of NWW-2, which is a concrete-lined brow ditch located along the slope. The brow ditch was restored in-place after the City's emergency repair work concluded. Figure 5 shows the location of impacts to jurisdictional resources at the Lake Drive project site. Table 1, Impacts to Jurisdictional Aquatic

Resources on the Lake Drive Project Site, provides the impact acreages by jurisdiction resource, jurisdiction, and type of impact.

### Table 1. Impacts to Jurisdictional Aquatic Resources on the Lake Drive Project Site

| Jurisdictional Aquatic Resource | RWQCB/CDFW/CCC/City (acres) | | |
|---|---|---|---|
| | Permanent | Temporary | Total |
| **Culverts** | | | |
| Culvert (CUL-1, CUL-2, CUL-3) | 0 | 0.001 | 0.001 |
| **Non-Wetland Waters/Streambeds** | | | |
| Non-Wetland Waters (NWW-3, NWW-4, NWW-6, NWW-7, NWW-8) | 0.002 | 0.003 | 0.005 |
| Non-Wetland Waters (concrete-lined brow ditch) (NWW-2)[1] | 0 | 0.002 | 0.002 |
| Non-Wetland Waters (erosional) (NWW-1) | 0.001 | 0.001 | 0.002 |
| *Non-Wetland Waters Subtotal* | *0.003* | *0.006* | *0.009* |
| **Total** | **0.003** | **0.007** | **0.010** |

**Notes:** RWQCB = Regional Water Quality Control Board; CDFW = California Department of Fish and Wildlife; CCC = California Coastal Commission; City = City of Encinitas.

1 Impacts to the concrete-lined brow ditch (NWW-2) occurred during the 2023 Lake Drive landslide emergency and were repaired after the emergency work concluded.

Impacts to jurisdictional aquatic resources at the Lake Drive project site would be reduced to less than significant with implementation of **MM-BIO-2A**, which requires resource agency (i.e., RWQCB and CDFW) permits and a non-wetland waters habitat mitigation and monitoring plan that describes the compensatory mitigation for 0.003 acres of permanent impacts and restoration of 0.005 acres of temporary impacts. The portion of the concrete-lined brow ditch (NWW-2) impacted by the January 2023 sinkhole and landslide emergency was repaired by the City, and the 0.002 acres of temporary impacts are not included in the non-wetland waters habitat mitigation and monitoring plan required by **MM-BIO-2A**. Therefore, direct impacts would be **less than significant with mitigation incorporated**.

Based on the jurisdictional delineation at the Manchester Avenue project site, a total of 0.06 acres of USACE, RWQCB, CDFW, CCC, and City jurisdictional aquatic resources occur within the Manchester Avenue project site. All impacts occurring within the Manchester Avenue project site are considered temporary, as the frequency and duration of each maintenance event (i.e., excavation) would be limited to the minimum necessary to reduce flood risk to life and property. Impacts to jurisdictional aquatic resources are depicted on Figure 6 and summarized in Table 10 in Appendix A. All proposed excavation activities at the Manchester Avenue project site would result in temporary direct impacts to open water and coastal and valley freshwater marsh. No tree removal is proposed during excavation activities. Excavation of the sediment below the culvert outfall would also remove coastal and valley freshwater marsh. However, the freshwater marsh includes fast-growing, herbaceous species (i.e., southern cattail and western ragweed [*Ambrosia psilostachya*]), and the excavation activities would occur at a frequency and duration that would allow the coastal and valley freshwater marsh to regenerate prior to the next maintenance event (i.e., no more frequently than every 3 years). Therefore, impacts resulting from excavation activities would be temporary, and all the coastal and valley freshwater marsh is anticipated to fully recover upon completion of the sediment removal. Additionally, impacts from the proposed project to open water are not anticipated as the sediment removal activities would result in a higher functioning channel (e.g., flood storage, slow flows, capture sediment) providing a net benefit (i.e., water quality protection) to downstream aquatic resources associated with the San Elijo Lagoon. Therefore, temporary impacts to open water and coastal and valley freshwater marsh would not be considered significant and do not require mitigation. However, impacts to jurisdictional aquatic resources at the Manchester Avenue project site would require aquatic resource agency (i.e., USACE, RWQCB, and CDFW) permits, as directed by **MM-BIO-2B.**

Potential temporary indirect impacts to jurisdictional aquatic resources are similar to those described above for vegetation communities and include dust, erosion, increased turbidity, temporary access impacts, and accidental trampling. Indirect impacts would be avoided through implementation of **MM-BIO-4**, which would require biological monitoring to ensure that practicable measures are being employed to avoid incidental disturbance of jurisdictional aquatic resources outside the disturbance footprint. Indirect impacts would be reduced through permit compliance and standard BMPs outlined in **MM-BIO-12**. Specifically, the City would incorporate methods to control runoff, including a SWPPP to meet NPDES regulations. Implementation of stormwater regulations is expected to substantially control adverse edge effects (e.g., erosion, sedimentation, habitat conversion) during and following construction both adjacent to and downstream of the project site. Typical construction BMPs specifically related to reducing impacts from dust, erosion, and runoff generated by construction activities would be implemented. During construction, material stockpiles would be placed such that they cause minimal interference with on-site drainage patterns. This would protect jurisdictional aquatic resources from being inundated with sediment-laden runoff. Dewatering would be conducted in accordance with standard RWQCB regulations. A NPDES permit, issued by RWQCB to discharge water from dewatering activities, would be required prior to start of dewatering. This would minimize erosion, siltation, and pollution within sensitive communities. Design of drainage facilities would incorporate long-term control of pollutants and stormwater flow to minimize pollution and hydrologic changes. Potential temporary indirect impacts to jurisdictional aquatic resources are determined to be **less than significant with mitigation incorporated.**

Long-term indirect impacts to jurisdictional aquatic resources would be **less than significant** at the Lake Drive and Manchester Avenue project sites as long-term maintenance activities would be infrequent, occur over a short duration, and be limited to a specific area (i.e., within the Lake Drive detention basin or along the pipeline access road, below the Manchester Avenue culvert outfall).

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

Construction has the potential to create a minor disruption in dispersal of wildlife, including birds and small mammals. It is unlikely that the Lake Drive project site supports movement by mule deer, bobcats (*Lynx rufus*), or mountain lions (*Puma concolor*), due to the urbanized and constrained nature of the area. Coyotes (*Canis latrans*) may still occur in the area and may use the area for movement purposes, but most of their activities occur during the early morning or nighttime periods when construction activity would not be occurring. Bats also move during nighttime periods when work would not be occurring. Some of the other, smaller wildlife may be less inclined to travel along the Lake Drive project site during construction. However, construction is expected to last less than 1 year. Long-term maintenance, including detention basin maintenance and pipeline maintenance, is not expected to impact wildlife use of the site for movement. Additionally, the Lake Drive project site does not contain any creeks, streams, or waterways that could support fish species. Because project construction is temporary and the pipeline alignment is underground, no direct or indirect impacts to wildlife corridors, habitat linkages, and the use of nursery sites are anticipated as a result of the proposed project.

Furthermore, it is unlikely that the Manchester Avenue project site supports movement by bobcats or mountain lions due to the urban and constrained nature of the area, but it could support coyotes and mule deer, which may still occur in the area and use the Manchester Avenue project site for movement purposes; however, most of their movement occurs during the early morning or nighttime periods when project activities would not occur. Bats move during nighttime periods when work would not occur. Some of the other, smaller wildlife may be less inclined to travel along the Manchester Avenue project site during sediment removal activities. However, this impact would be short term, with project activities expected to last less than 1 week. Long-term maintenance (i.e., periodic sediment removal) is not expected to impact wildlife use of the site for movement. Therefore, no change to wildlife movement within the project sites is anticipated to occur from project implementation, and impacts would be **less than significant.**

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

The City's General Plan Resource Management Element includes the following applicable goals and policies regarding protection of biological resources and preservation of trees within Encinitas (City of Encinitas 2011):

Goal 3: The City will make every effort possible to preserve significant mature trees, vegetation and wildlife habitat within the Planning Area

Policy 3.1: Mature trees of community significance cannot be removed without City authorization

Policy 3.2: Mature trees shall not be removed or disturbed to provide public right-of-way improvements if such improvements can be deferred, redesigned, or eliminated

Policy 3.6: Future development shall maintain significant mature trees to the extent possible and incorporate them into the design of development projects

Goal 10: The City will preserve the integrity, function, productivity, and long term viability of environmentally sensitive habitats throughout the City, including kelp-beds, ocean recreational areas, coastal water, beaches, lagoons and their up-lands, riparian areas, coastal strand areas, coastal sage scrub and coastal mixed chaparral habitats

Policy 10.1: The City will minimize development impacts on coastal mixed chaparral and coastal sage scrub environmentally sensitive habitats by preserving within the inland bluff and hillside systems, all native vegetation on natural slopes of 25% grade and over other than manufactured slopes

Policy 10.5: The City will control development design on Coastal Mixed Chaparral and Coastal Sage Scrub environmentally sensitive habitats by including all parcels containing concentrations of these habitats within the Special Study Overlay designation

Furthermore, the City's Tree Ordinance (Ordinance 2017-02) seeks to protect the City's urban forest and Heritage Trees. As described under Threshold (a) above, two Torrey pines occur within the temporary impact footprint, and one occurs within the permanent impact footprint at the Lake Drive project site. In accordance with the City's goals, policies, and ordinances listed above, individuals of Torrey pine that occur within the temporary impact footprint would be flagged and avoided or mitigated by planting Torrey pine on site at a 1:1 ratio in accordance with **MM-BIO-5**. With implementation of **MM-BIO-5** and **MM-BIO-4**, which provides for biological monitoring during construction, impacts to Torrey pine would be reduced to less than significant with mitigation incorporated. No tree removal is proposed at the Manchester Avenue project site.

As described under Threshold (b) above, all impacts to coastal sage scrub and southern maritime chaparral at the Lake Drive project site would be minimized to the greatest extent possible, and all remaining impacts would be mitigated to less than significant with **MM-BIO-1**. Therefore, the proposed project would avoid conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, through implementation the project's proposed mitigation program. Therefore, potential impacts would be **less than significant with mitigation incorporated.**

*f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The entire Lake Drive project site and the southern portion of the Manchester Avenue project site occur within a hardline FPA (Figure 2). The majority of impacts occurring from the proposed project would be temporary (i.e., the sites would continue to function as open space after project implementation), and replacement and maintenance of existing storm drains is a compatible use with the biological objectives of the Draft Encinitas Subarea Plan Section 4.2.1. As directed by Section 4.2.1 of the Draft Encinitas Subarea Plan, the proposed project is a permitted use within the preserve and must comply with the applicable land use regulations, including measures to minimize impacts on the preserve related to lighting, noise, dust, and controlled access (City of Encinitas 2001). Table 11 in Appendix A provides a summary of how the proposed project would comply with the land use adjacency guidelines for compatible uses within preserves. Therefore, the proposed project occurring within the Lake Drive and Manchester Avenue project sites would not interfere with the implementation of conservation required under the MHCP or the future completion of the Draft Encinitas Subarea Plan.

Additionally, the project site occurs within the City's FPA and therefore must be in compliance with the policies identified in Section 4.3 of the Draft Encinitas Subarea Plan (City of Encinitas 2001). These policies are listed in Table 12 of Appendix A, along with a description of how the proposed project would comply with each policy. By implementing the project's proposed mitigation program (i.e., **MM-BIO-1** through **MM-BIO-12**), impacts to any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan are determined to be **less than significant with mitigation incorporated.**

Because the proposed project is located in the coastal zone, as defined by the CCC, compliance with the California Coastal Act would be through the City's General Plan (City of Encinitas 1989), which is an approved LCP. The proposed project is consistent with the applicable zoning of the City's General Plan and would comply with the goals and policies outlined in the Land Use Element and Resource Management Element of the City's General Plan (City of Encinitas 1989, 2011, 2024). Furthermore, the proposed project is consistent with the guidelines outlined in the Draft Encinitas Subarea Plan as summarized in Tables 11 and 12 in Appendix A to this MND. Therefore, the proposed project is compliant with the LCP.

### Mitigation Measures

Please refer to Section 5 in Appendix A, which includes a full description of proposed avoidance, minimization, and mitigation measures that would avoid or mitigate adverse and significant impacts to biological resources resulting from proposed project activities. Table 13 in Appendix A provides a summary of the measures that apply to each of the project sites (Lake Drive and Manchester Avenue).

MM-BIO-1 Upland Mitigation. As compensation for direct permanent and temporary impacts to sensitive vegetation communities, the City of Encinitas shall be required to provide on-site compensatory mitigation and in-place restoration in accordance with the City of Encinitas' 2001 Multiple Habitat Conservation Program (MHCP) Draft Encinitas Subarea Plan and acceptable to the wildlife agencies (the U.S. Fish and Wildlife Services and the California Department of Fish and Wildlife). The Upland Habitat Mitigation and Monitoring Plan for the Lake Drive Storm Drain Project, City of Encinitas, California (included as Appendix H to the Biological Technical Report for the Lake Drive Storm Drain and Manchester Avenue Culvert Outfall Project, Encinitas, California) includes the mitigation for permanent impacts and restoration of all temporary impact areas. The Upland Habitat Mitigation and Monitoring Plan includes the goals and objectives, regulatory setting, site selection, baseline site information, restoration design approach, rationale for success, implementation program (including the construction period and the 5-year maintenance and monitoring program), performance standards, and long-term site protection and management of the upland mitigation site.

As summarized in the permanent impacts to sensitive vegetation communities table below, a total of 5.07 acres of mitigation for permanent impacts to sensitive vegetation communities shall be conducted in accordance with the ratios provided in the MHCP Draft Encinitas Subarea Plan as described in the Upland Habitat Mitigation and Monitoring Plan for the Lake Drive Storm Drain Project, City of Encinitas, California (Appendix H to the Biological Technical Report for the Lake Drive Storm Drain and Manchester Avenue Culvert Outfall Project, Encinitas, California).

**Lake Drive Mitigation Required for Permanent Impacts to Sensitive Vegetation Communities**

| Vegetation Community/ Land Cover Type | Habitat Code | Permanent Impact (acres) | Mitigation Ratio (acres) | Mitigation Required (acres) |
|---|---|---|---|---|
| **Group B. Rare Upland** | | | | |
| Southern Maritime Chaparral | 37C30 | 0.26 | 3:1 | 0.79 |
| **Group C. Coastal Sage Scrub** | | | | |
| Diegan Coastal Sage Scrub: Coastal Form | 32510 | 1.97 | 2:1 | 3.95 |
| Diegan Coastal Sage Scrub: *Baccharis*-Dominated | 32530 | 0.16 | 2:1 | 0.33 |
| *Group C Subtotal** | | *2.14* | *N/A* | *4.27* |
| **Total*** | | **2.40** | **N/A** | **5.07** |

**Sources**: Oberbauer et al. 2008 (Habitat Codes); City of Encinitas 2001 (refer to Table 4-4 for Habitat Groupings and Mitigation Ratios).
**Notes:** N/A = not applicable.
* Some numbers may not sum due to rounding.

All temporary impacts to sensitive vegetation communities shall be restored in-place at a 1:1 ratio. For temporary impacts to non-native communities and land covers, hydroseeding shall occur for stabilization and erosion control purposes using appropriate native species as directed by the Upland Habitat Mitigation and Monitoring Plan (Appendix H to the Biological Technical Report for the Lake Drive Storm Drain and Manchester Avenue Culvert Outfall Project, Encinitas, California). The amount of restoration required based on project impacts is included in the table below.

### Lake Drive Restoration Required for Temporary Impacts to Vegetation Types and Land Covers on the Project Site

| Vegetation Community/ Land Cover Type | Habitat Code | Temporary Impact (acres) | Restoration Ratio (acres) | Restoration Total (acres) |
|---|---|---|---|---|
| **Group B. Rare Upland** | | | | |
| Southern Maritime Chaparral | 37C30 | 0.25 | 1:1 | 0.25 |
| **Group C. Coastal Sage Scrub** | | | | |
| Diegan Coastal Sage Scrub: Coastal Form | 32510 | 0.70 | 1:1 | 0.70 |
| Diegan Coastal Sage Scrub: *Baccharis*-Dominated | 32530 | 0.05 | 1:1 | 0.05 |
| | *Group C Subtotal** | *0.75* | *N/A* | *0.75* |
| **Group F. Other[1]** | | | | |
| Eucalyptus Woodland | 79100 | 0.05 | N/A | 0 |
| Urban/Developed | 12000 | 0.01 | N/A | 0 |
| | *Group F Subtotal** | *0.06* | *N/A* | *0* |
| | **Total** | **1.06** | **N/A** | **1.00** |

**Sources:** Oberbauer et al. 2008 (Habitat Codes); City of Encinitas 2001 (Groupings).
**Notes:** N/A = not applicable.
* Some numbers may not sum due to rounding.
1 All temporary impacts occurring to Group F land cover types would be hydroseeded for stabilization and erosion control.

MM-BIO-2A Aquatic Resource Permits and Mitigation. The proposed project (Lake Drive project site) would require, prior to project implementation, state permitting from the California Department of Fish and Wildlife (CDFW) for a streambed alteration agreement, required by California Fish and Game Code Section 1600 et seq., and from the Regional Water Quality Control Board (RWQCB) for waste discharge requirements. As compensation for direct permanent and temporary impacts to jurisdictional aquatic resources, the City of Encinitas shall provide compensatory mitigation acceptable to the resource agencies (i.e., RWQCB, and CDFW). Mitigation for direct permanent impacts to 0.003 acres of RWQCB/CDFW jurisdictional aquatic resources shall occur at a 1:1 ratio for a total of 0.003 acres of compensation. Direct temporary impacts to 0.005 acres of RWQCB/CDFW aquatic resources shall be restored in-place. Mitigation shall be conducted in accordance with the Non-Wetland Waters Habitat Mitigation and Monitoring Plan for the Lake Drive Storm Drain Project, City of Encinitas, California (included as Appendix I to the Biological Technical Report for the Lake Drive Storm Drain and Manchester Avenue Culvert Outfall Project, City of Encinitas, California).

The Non-Wetland Waters Habitat Mitigation and Monitoring Plan for the Lake Drive Storm Drain Project, City of Encinitas, California (Appendix I to the Biological Technical Report for the Lake Drive Storm Drain and Manchester Avenue Culvert Outfall Project, Encinitas, California) outlines the approach and requirements for compensatory mitigation associated with the jurisdictional impacts. The Non-Wetland Waters Habitat Mitigation and Monitoring Plan includes goals and objectives, regulatory setting, site selection, baseline site information, restoration design approach, rationale for success, implementation program (including the construction period and the 5-year maintenance and monitoring program), performance standards, and long-term site protection and management.

MM-BIO-2B Aquatic Resource Permits. The proposed project (Manchester outfall site) would require, prior to project implementation, state permitting from the California Department of Fish and Wildlife (CDFW) for a streambed alteration agreement, required by California Fish and Game Code Section 1600 et seq., from the U.S. Army Corps of Engineers (USACE) for a Section 404 permit, and from the Regional Water Quality Control Board (RWQCB) for a Section 401 water quality certification. Direct temporary impacts to jurisdictional aquatic resources shall be passively restored in-place as acceptable to the resource agencies (i.e., USACE, RWQCB, and CDFW).

MM-BIO-3 Del Mar Mesa Sand Aster Avoidance/Mitigation. Prior to construction activities, all individuals of Del Mar Mesa sand aster (*Corethrogyne filaginifolia* var. *linifolia*) within the impact footprint and a 20-foot buffer of the impact footprint shall be flagged by a qualified biologist for avoidance. If avoidance is not possible, individuals of Del Mar Mesa sand aster in the impact footprint shall be translocated to a permanently conserved location of suitable habitat outside of the impact footprint on site. The translocation site shall be selected using appropriate habitat factors (e.g., vegetation, soils, aspect, steepness) and shall be prepared prior to translocation (e.g., weeds removed, soil amended), if needed. The Del Mar Mesa sand aster mitigation shall be included in the Upland Habitat Mitigation and Monitoring Plan (Appendix H [to the Biological Technical Report for the Lake Drive Storm Drain and Manchester Avenue Culvert Outfall Project, Encinitas, California]), which includes the goals and objectives, site selection, baseline site information, restoration design approach, rationale for success, implementation program (including the construction period and the 5-year maintenance and monitoring program), performance standards, and long-term site protection and management of the mitigation site.

MM-BIO-4 Biological Monitoring. A qualified project biologist shall monitor any vegetation clearing and trenching activities at the Lake Drive project site or sedimental removal activities at the Manchester Avenue project site for the duration of the project to ensure that practicable measures are being employed to avoid incidental disturbance of habitat, special-status species, and other sensitive biological resources within and outside the disturbance footprint. Pre-construction educational meetings shall be required to include a training session for project personnel by a qualified biologist. Construction/contractor personnel shall complete a Worker Environmental Awareness Program to ensure compliance with environmental/permit regulations and mitigation measures. Construction-limit staking and biological monitoring shall prevent inadvertent impacts to special-status plant and wildlife species and their habitat. Before beginning activities that would cause impacts, the contractor shall, in consultation with the biological monitor, clearly delineate the boundaries with fencing, stakes, or flags, within which the impacts will take place. All impacts outside the fenced, staked, or flagged areas shall be avoided, and all fencing, stakes, and flags shall be maintained until the completion of impacts in that area. In addition, any avoided environmental resources will be clearly delineated. Prior to implementing maintenance activities, the biological monitor shall verify that the flagging clearly delineates the maintenance limits and any sensitive environmental resources to be avoided.

Prior to initiation of clearing, grading, or sedimental removal activities, the qualified biologist shall conduct a daily pre-construction survey sweep within areas of suitable habitat for special-status species wildlife. The qualified biologist shall look for special-status species that may be located within or immediately adjacent to (within 500 feet of) the project work areas, as permitted by access. Any individual special-status wildlife species observed within the project work areas during the pre-construction survey will be flushed or moved out of harm's way to avoid direct impacts to these species. If special-status wildlife are observed during the pre-construction survey and cannot be avoided by the project, additional measures may be required as determined through consultation with the California Department of Fish and Wildlife and/or U.S. Fish and Wildlife Service.

MM-BIO-5 Torrey Pine Avoidance/Mitigation. Prior to construction activities, all individuals of Torrey pine (*Pinus torreyana* ssp. *torreyana*) within the impact footprint and a 20-foot buffer shall be flagged by a qualified biologist for avoidance. If avoidance is not possible, impacts to Torrey pine during construction shall be documented, and Torrey pine shall be planted on site post-construction at a 1:1 ratio. Trees shall be sourced locally or from a reputable vendor. The planting site shall be selected using appropriate habitat factors (e.g., vegetation, soils, aspect, steepness) and shall be prepared prior to planting (e.g., scraping, weeds removed, soil amended), if needed. The Torrey pine mitigation shall be included in the Upland Habitat Mitigation and Monitoring Plan (Appendix H [to the Biological Technical Report for the Lake Drive Storm Drain and Manchester Avenue Culvert Outfall Project, Encinitas, California]), which includes the goals and objectives, site selection, baseline site information, restoration design approach, rationale for success, implementation program (including the construction period and the 5-year maintenance and monitoring program), performance standards, and long-term site protection and management of the mitigation site.

MM-BIO-6 Sea Dahlia Avoidance/Mitigation. Prior to construction activities, all individuals of sea dahlia (*Leptosyne maritima*) within the impact footprint and a 20-foot buffer shall be flagged by a qualified biologist for avoidance. If avoidance is not possible, impacts to sea dahlia during construction shall be documented, and sea dahlia shall be planted on site post-construction at a 1:1 ratio. Seed shall be sourced locally or from a reputable vendor. The planting site shall be selected using appropriate habitat factors (e.g., vegetation, soils, aspect, steepness) and shall be prepared prior to planting (e.g., scraping, weeds removed, soil amended), if needed. The sea dahlia mitigation shall be included in the Upland Habitat Mitigation and Monitoring Plan (Appendix H [to the Biological Technical Report for the Lake Drive Storm Drain and Manchester Avenue Culvert Outfall Project, Encinitas, California]), which includes the goals and objectives, site selection, baseline site information, restoration design approach, rationale for success, implementation program (including the construction period and the 5-year maintenance and monitoring program), performance standards, and long-term site protection and management of the mitigation site.

MM-BIO-7 Campbell's Liverwort Avoidance/Mitigation. Prior to construction activities, all individuals of Campbell's liverwort (*Geothallus tuberosus*) within the impact footprint and a 20-foot buffer shall be flagged by a qualified biologist for avoidance. If avoidance is not possible, but impacts would be limited to trampling or other disturbance that does not require removal of the soil, tarps and/or plywood shall be used to cover Campbell's liverwort to protect it during construction. If more extensive impacts are proposed, Campbell's liverwort shall be salvaged by removing the bryophyte along with its host soil and re-establishing it outside of the impact footprint. The translocation site shall be selected using appropriate habitat factors (e.g., vegetation, soils, aspect, steepness) and shall be prepared prior to planting (e.g., scraping, weeds removed), if needed. The Campbell's liverwort mitigation shall be included in the Upland Habitat Mitigation and Monitoring Plan (Appendix H [to the Biological Technical Report for the Lake Drive Storm Drain and Manchester Avenue Culvert Outfall Project, Encinitas, California]), which includes the goals and objectives, site selection, baseline site information, restoration design approach, rationale for success, implementation program (including the construction period and the 5-year maintenance and monitoring program), performance standards, and long-term site protection and management of the mitigation site.

MM-BIO-8 Nesting Bird Survey. To avoid and/or minimize impacts to any breeding coastal California gnatcatchers (*Polioptila californica californica*) or active nests protected under the Migratory Bird Treaty Act and the California Fish and Game Code, construction activities at the Lake Drive project site and sedimental removal activities at the Manchester Avenue project site (i.e., work activities) shall commence outside of the breeding season for coastal California gnatcatcher (February 15 to August 31), raptors (January 15 to July 15), and nesting birds (February 15 through September 15). If work activities commence during the breeding season, surveys shall be conducted by a qualified biologist prior to construction to determine whether breeding California gnatcatchers or active nests occur on site or within 500 feet of the project site. The pre-construction surveys shall not begin more than 7 days prior to the start of construction. If there are no nesting birds (includes nest building or other breeding/nesting behavior) within or adjacent to the potential impact area, work activities shall be allowed to proceed. If breeding activity or an active nest is identified, the biologist and the City of Encinitas shall postpone construction activity and contact the wildlife agencies (i.e., U.S. Fish and Wildlife Services and the California Department of Fish and Wildlife) to discuss the best approach to avoiding/minimizing impacts to breeding/nesting birds (e.g., sound walls) and create a monitoring program acceptable to the wildlife agencies.

Subsequent to these discussions, work may be initiated subject to implementation of the agreed-upon avoidance/minimization approach and monitoring program. If the biologist determines that bird breeding behavior is being disrupted, the City shall stop work and coordinate with the wildlife agencies to review the avoidance/minimization approach. Upon agreement as to any necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued monitoring. Success or failure of an active nest shall be established by regular and frequent trips to the site, as determined by the biologist and through a schedule approved by the wildlife agencies. Monitoring of an active nest shall continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by the wildlife agencies.

MM-BIO-9 Coastal California Gnatcatcher Monitoring. If coastal California gnatcatcher (*Polioptila californica californica*) is found nesting within 500 feet of project impact areas during the nesting bird survey as directed by MM-BIO-8, biological monitoring shall be required during the breeding season. Avoidance/minimization provisions and a monitoring program shall be generated in consultation with the wildlife agencies (i.e., U.S. Fish and Wildlife Services and the California Department of Fish and Wildlife), and the City of Encinitas shall submit a final report prepared by the project biologist to the wildlife agencies and the City of Encinitas. The report shall include as-built construction drawings for grading with an overlay of any active nests, photographs of habitat areas during pre-construction and post-construction conditions, and other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with the avoidance/minimization provisions and monitoring program were achieved.

MM-BIO-10 Woodrat Midden Avoidance. Active woodrat nests that may be occupied by San Diego desert woodrat (*Neotoma lepida intermedia*) shall be flagged by the qualified project biologist, and ground-disturbing activities shall be avoided within a minimum of 10 feet surrounding each active nest. If avoidance is not possible, the City of Encinitas shall take the following sequential steps: (1) all understory vegetation will be cleared in the area immediately surrounding active nests excluding an escape route to nearby habitat followed by a period of one night without further disturbance to allow woodrats to vacate the nest, (2) each occupied nest will then be disturbed by a qualified wildlife biologist until all woodrats leave the nest and seek refuge off site, and (3) a majority of the nest sticks shall be removed from the project site and piled at the base of a nearby rock or downed tree or shrub outside the impact area. Relocated nest material shall not be spaced closer than 100 feet from existing nests, unless a qualified wildlife biologist has determined that a specific habitat can support a higher density of nests. The City of Encinitas (City) shall document all woodrat nests moved in weekly monitoring reports and will include a written summary in each annual report. The resumes of the qualified biologists shall be provided to the City for concurrence.

MM-BIO-11 Focused Surveys for Crotch's Bumble Bee. Focused surveys for Crotch's bumble bee (*Bombus crotchii*) shall be conducted by a qualified biologist, with expertise in surveying for bumble bees, within the construction footprint prior to the start of ground-disturbing construction activities that would occur during the Crotch's bumble bee Queen Flight Season through the Colony Active Period (February 1 through August 31). The focused surveys shall be conducted prior to each phase of Project implementation and shall include (1) a habitat assessment and (2) focused surveys in accordance with the recommendations described in the *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species*, released by the California Department of Fish and Wildlife (CDFW) on June 6, 2023, or the most current version at the time of construction. Focused surveys shall be repeated within suitable habitat each year; ground-disturbing construction activities within suitable habitat are scheduled to occur during the Queen Flight Season through the Colony Active Period (February 1 through October 31).

The habitat assessment shall be conducted concurrently with the focused surveys and shall, at a minimum, include historical and current species occurrences; document potential on-site habitat including foraging, nesting, and/or overwintering resources; and identify which plant species are in bloom during the focused surveys, as well as their percent cover. Incidental observations of potential nest resources will also be noted. For the purposes of this mitigation measure, potential nest resources are defined as abandoned small mammal burrows, bunch grasses with a duff layer, grass thatch, hollow trees, rock and brush piles, and human-made structures that may support bumble bee colonies, such as birdhouses. Potential overwintering resources are defined as bare soil, leaf litter, pine needle duff layer, and bunch grasses.

Focused surveys shall include at least three on-site surveys that are spaced 2 weeks to 4 weeks apart. The timing of these surveys shall coincide with the Queen Flight Season through the Colony Active Period (February 1 through August 31); however, the surveys should coincide with the blooming season of floral food sources). Surveys may occur between 1 hour after sunrise and 2 hours before sunset. Surveys shall not be conducted during wet conditions (e.g., foggy, rainy, or drizzling), and surveyors shall wait at least 1 hour following rain. Optimal surveys are conducted when there are sunny to partly sunny skies, temperatures between 65°F and 90°F, and winds less than 8 mph. Surveys may be conducted outside these weather parameters if other bees or butterflies are observed flying. A qualified biologist who is in possession of a valid Memorandum of Understanding with CDFW (and valid Scientific Collecting Permit, if applicable) shall conduct capture surveys and record non-lethal photo vouchers of all captured bumble bees in accordance with the *CDFW Survey Considerations for CEQA Candidate Bumble Bee Species* document (June 2023).

A written survey report shall be submitted to the City of Encinitas and CDFW within 30 days following completion of the focused surveys. The report shall include survey methods, weather conditions, and survey results, including a detailed habitat assessment, floral resources blooming and percent cover, bumble bee species observed, floral species that bumble bees were observed visiting, nesting and overwintering habitat surveyed, and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. The survey report shall include the qualifications/resumes of the surveyor(s) and approved taxonomist(s) for identification of photo vouchers. If Crotch's bumble bee nests or individuals are observed, the location information shall be submitted to the California Natural Diversity Database at the time of, or prior to, submittal of the survey report. In addition, if avoidance of take is not feasible, the City of Encinitas shall consult with CDFW to determine if take authorization is required. If Crotch's bumble bee is not detected during the focused surveys, no further action or mitigation would be required.

If required, mitigation for direct impacts to Crotch's bumble bee shall be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the Project, to be fulfilled through the on-site compensatory mitigation for permanent impacts and in-place restoration of temporary impacts as directed by MM-BIO-1. If required by the permitting process, additional mitigation may be required through off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate shall be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity, in coordination with CDFW. The funding source shall be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount shall be established following the completion of a project-specific Property Analysis Record to calculate the costs of in-perpetuity land management. The Property Analysis Record shall account for all management activities required to fulfill the requirements of the conservation easement(s), which are currently under review and development by CDFW.

MM-BIO-12 Construction or Maintenance-Related Indirect Impacts to Biological Resources. Maintenance plans and conditions of approval shall include the following to address indirect maintenance- or construction-related impacts to biological resources:

**Standard Dust Control Measures.** Standard dust control measures as per the stormwater pollution prevention plan to meet National Pollutant Discharge Elimination System regulations shall be implemented to reduce dust impacts on nearby conserved lands, plants, and wildlife. Measures include controlling speed to 15 mph or less on unpaved roads, frequently watering active work sites, installation of shaker plates, and suspending excavation operations during periods of high winds.

**Stormwater Pollution Prevention Plan.** The City of Encinitas shall submit a stormwater pollution prevention plan to the City of Encinitas that specifies best management practices to prevent all maintenance pollutants from contacting stormwater, with the intent of keeping sedimentation or any other pollutants from moving off site and into receiving waters. The requirements of the stormwater pollution prevention plan shall be incorporated into the design specifications and maintenance plan. Best management practices categories employed on site would include erosion control, sediment control, and non-stormwater (good housekeeping). Best management practices recommended during maintenance/construction activities shall include, but not be limited to, the following:

- Limiting maintenance/construction activities to the minimum area necessary for stormwater infrastructure operation
- Limiting vegetation disturbance/removal to the maximum extent practicable
- Implementing fiber rolls and sandbags around drainage areas and the site perimeter
- Stockpiling and disposing of demolition debris, concrete, and soil properly
- Installing a stabilized entrance/exit
- Implementing proper protections for fueling and maintenance of equipment and vehicles
- Managing waste, aggressively controlling litter, and implementing sediment controls

The following water quality measures will be included in the stormwater pollution prevention plan:

- Erodible fill material shall not be deposited into water courses.
- Maintenance/construction shall be timed to avoid the placement of equipment and personnel within the work area or in adjacent upland habitats used by special-status species, as feasible.
- Silt fencing or other sediment-trapping materials shall be installed at the downstream end of the maintenance/construction limits to minimize the transport of sediments off site. Sediment shall be cleaned out in a manner that prevents the sediment from reentering the downstream portions of the basin. Care shall be exercised when removing silt fences, to prevent debris or sediment from returning to downstream portions of the basin.
- Water pollution and erosion control plans shall be developed and implemented in accordance with the Regional Water Quality Control Board.

**Minimize Spills of Hazardous Materials.** All vehicles and equipment shall be maintained in proper condition to minimize the potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. Hazardous spills and contaminated soil shall be immediately cleaned up and the contaminated soil shall be properly handled or disposed of at a licensed facility. Servicing of equipment shall only take place within the site's staging area.

**Wildlife Hazards.** The following measures will be implemented to ensure that wildlife do not become trapped, entangled, or injured by maintenance/construction activities:

- Debris piles, equipment, and other items that may be used as wildlife refuge shall be inspected for wildlife at the start of each work day and prior to disturbance. If wildlife is discovered, it shall either be moved out of harm's way by a qualified biologist or allowed to move off of the study area on its own.
- Nets and mesh shall be made of loose-weave material that is not fused at the intersections of the weave, as nets with welded weaves present an entanglement risk.
- Toxic materials and garbage shall be removed from the work site and safely stored or disposed of at the end of each workday.

**Night Work.** All maintenance/construction activities will be conducted during the daytime, and lights will not be kept on overnight in the work area. If night lighting is required during maintenance/construction activities, all exterior lighting along undeveloped land shall be fully shielded and directed downward in a manner that will prevent light spillage or glare into the adjacent open space.

## 3.5 Cultural Resources

| | | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| V. | **CULTURAL RESOURCES** – Would the project: | | | | |
| a) | Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? | ☐ | ☐ | ☒ | ☐ |
| b) | Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | ☐ | ☒ | ☐ | ☐ |
| c) | Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☒ | ☐ |

The following analysis is based on the cultural resources inventory and evaluation report prepared as part of the proposed project and included as Appendix B to this MND.

a) ***Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?***

Historical maps and aerial imagery for 1947 through 2022 were reviewed to observe previous development on the project's APE (Appendix B). These maps and aerial images indicate that the Lake Drive project site did not experience any changes until 1964, which was likely part of the initial construction of I-5, west of the Lake Drive project site. Further disturbances included construction of the adjacent residential community (1978) and installation of the existing storm drain pipeline at the bottom of the canyon (1982). Historic aerial photographs from 1983 to 2016 do not reveal any noteworthy changes to the Lake Drive project site. Additionally, the historic topographic maps from 1893 to 2018 do not suggest there were significant changes to the topography of the Lake Drive project site.

The 1947 historic aerial photograph for the Manchester Avenue culvert outfall APE shows Manchester Avenue as developed to the north of the APE and the San Elijo Ecological Preserve as undeveloped. The 1964 aerial photograph shows Manchester Avenue paved with asphalt-concrete and the width of the roadway widened, and to the east of the APE, I-5 is under construction. The 1978 photograph shows Ocean Cove Drive, Cape Sebastian Place, and the surrounding residential complex to the north of the APE as developed. The Manchester Avenue culvert outfall is also under construction within the APE. Historic aerial photographs from 1980 to 2010 do not reveal noteworthy changes to the Manchester Avenue APE. On the 2010 to 2022 aerial photographs, the northern section of the APE is graded and used for parking.

The South Coastal Information Center records search did not identify any historic addresses recorded within the project APE, including both the Lake Drive APE and Manchester Avenue APE, and no new built environment resources were identified during the field survey (Appendix B). For these reasons, it has been determined that the proposed project would not result in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5, and potential impacts to historic resources as a result of project implementation would be **less than significant.**

b) ***Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?***

As part of the Phase I cultural resources inventory and evaluation report (Appendix B) prepared by Dudek for the proposed project, a records search was completed for the project APE, including a 1-mile search radius at the South Coastal Information Center on April 9, 2021. The records search identified 88 previous studies that have been performed within the area; of these, 13 have covered a least a portion of the project APE (see Table 3.1 of Appendix B). The records search indicated that eight cultural resources have been identified within the project APE. Of the eight cultural resources within the project APE, one cultural resource is located within an area of the site to be directly affected by the proposed project. In addition to a review of historical maps and the records search, a pedestrian survey of the project site was completed. As described in Appendix B, the intensive pedestrian surveys covered the Lake Drive and Manchester Avenue APEs, and the locations of the eight previously recorded cultural resources (CA-SDI-4549, CA-SDI-4550, CA-SDI-4552, CA-SDI-4553, CA-SDI-16,636, CA-SDI-17,410, P-37-025106, and P-37-025107) were revisited. CA-SDI-4553 was not relocated within the southern portion of the project ADI. CA-SDI-4553 has been previously evaluated and determined not eligible for the National Register of Historical Places and not identified as a significant resource under CEQA.

Surface visibility was low throughout the project APE during the pedestrian survey. It has been determined that the project APE and ADI have been disturbed and subjected to past impacts to varying degrees by construction of I-5; freeway landscaping; installation of fencing; installation of the existing CMP, culverts, and curb inlets; and erosion. While sites CA-SDI-4550 and CA-SDI-4552 were not relocated within the project APE, visible flaked stone artifacts were observed on the surface outside of the APE. No new archaeological resources were identified within the project APE or ADI during the pedestrian survey.

Due to the findings from the existing records and the relatively poor visibility of the ground surface during the pedestrian survey, it is suggested that there is a moderate potential for the inadvertent discovery of cultural resources during initial project-related ground-disturbing activities (Appendix B). Given the presence of archaeological material identified outside the project APE, there is moderate potential for encountering subsurface cultural resources during project implementation. Dudek recommends that an archaeological monitor and a Native American monitor be present full-time during initial ground disturbance of the project APE and ADI. Additionally, to avoid potentially significant impacts to archaeological resources as a result of project implementation, the proposed project would implement **MM-CUL-1** through **MM-CUL-10**, outlined below. Therefore, with implementation of **MM-CUL-1** through **MM-CUL-10**, impacts to cultural resources would be **less than significant with mitigation incorporated.**

*c) Would the project disturb any human remains, including those interred outside of formal cemeteries?*

The project sites are not used as a cemetery and are not otherwise known to contain human remains. Additionally, no evidence of human remains was discovered within the project sites during the field surveys. However, this does not preclude finding human remains during project excavation and grading activities. As a standard construction practice, and in accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the County coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County coroner has determined, within 2 working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the remains are determined to be Native American, the coroner shall notify the NAHC in Sacramento within 24 hours. In accordance with California Public Resources Code Section 5097.98, the NAHC must immediately notify those persons it believes to be the Most Likely Descendant of the deceased Native American. The Most Likely Descendant shall be afforded the opportunity to visit the location of the discovery and shall complete their inspection within 48 hours of being granted access to the site. The Most Likely Descendant would then provide recommendations to the landowner and County regarding the treatment and disposition of the human remains.

The proposed project would be required to comply with Section 7050.5 of the California Health and Safety Code and would implement **MM-CUL-9**, which would ensure that any potential impacts to human remains would be **less than significant**.

## Mitigation Measures

MM-CUL-1 Prior to the issuance of a Grading Permit, the Applicant/Owner shall enter into a pre-excavation agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement with a Traditionally and Culturally Affiliated (TCA) Tribe. A copy of the agreement shall be included in the Grading Plan Submittals for the Grading Permit. The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and Tribal Cultural Resources, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities. No photography, invasive or non-invasive testing is permitted without prior approval by the TCA Tribe.

MM-CUL-2 Prior to the issuance of a Grading Permit, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the City of Encinitas stating that a Qualified Archaeologist and TCA Native American Monitor have been retained at the Applicant/Owner or Grading Contractor's expense to implement the monitoring program, as described in the pre-excavation agreement.

MM-CUL-3 The Qualified Archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the City of Encinitas of the start and end of all ground disturbing activities.

MM-CUL-4 The Qualified Archaeologist and TCA Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and TCA Native American Monitor shall be present on-site full-time during grubbing, grading and/or other ground altering activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or Tribal Cultural Resources. All fill materials shall be absent of any and all Tribal Cultural Resources.

MM-CUL-5 In order for potentially significant archaeological artifact deposits and/or cultural resources to be readily detected during mitigation monitoring, a written "Controlled Grade Procedure" for **P-37-004549**, **P-37-025106, P-37-025114, P-37-025107, P-37-004550, P-37-004552, P-37-004553,** and **P-37-026514** shall be prepared by a Qualified Archaeologist, in consultation with the TCA Native American monitor, other TCA Tribes that have participated in the state-prescribed process for this project, and the Applicant/Owner, subject to the approval of City representatives. The Controlled Grade Procedure shall establish requirements for any ground disturbing work with machinery occurring in and around areas the Qualified Archaeologist and TCA Native American monitor determine to be sensitive through the cultural resource mitigation monitoring process. The Controlled Grade Procedure shall include, but not be limited to, appropriate operating pace, increments of removal, weight and other characteristics of the earth disturbing equipment. A copy of the Controlled Grade Procedure shall be included in the Grading Plan Submittals for the Grading Permit.

MM-CUL-6 The Qualified Archaeologist or the TCA Native American monitor may halt ground-disturbing activities if unknown Tribal Cultural Resources, archaeological artifact deposits, or cultural features are discovered so that they may be evaluated. Ground-disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and other deposits will be minimally documented in the field, and before grading proceeds these items shall be secured at a secured and locked location on project site and as agreed upon by the TCA Tribe until they can be repatriated for later reburial on site. If items cannot be securely stored on the project site, they may be stored in off-site facilities in San Diego County and agreed upon by the TCA Tribe. If the Qualified Archaeologist and TCA Native American monitor determine that the unearthed Tribal Cultural Resource, artifact deposits or cultural features are considered potentially significant, TCA Tribes that have participated in the state-prescribed consultation process for this project shall be notified and consulted regarding the respectful and dignified treatment of those resources. The avoidance and protection of the significant Tribal Cultural Resource and/or unique archaeological resource is the preferable mitigation. The Qualified Archaeologist and TCA Tribe shall make recommendations to the City of Encinitas on the measures that will be implemented to protect the newly discovered cultural resource(s), including but not limited to, avoidance in place, excavation, relocation, and further evaluation of the discoveries in accordance with California Environmental Quality Act (CEQA). If, however, it is determined by the City of Encinitas that avoidance of the resource is infeasible, the City of Encinitas shall notify the TCA Tribes that have participated in the state-prescribed consultation process for this project and consult regarding appropriate next steps. If the decision in made that data recovery is needed, the City of Encinitas shall consult with the TCA Tribe on the drafting and finalization of any such recovery plan. The data recovery plan shall also incorporate and reflect the tribal values of the TCA Tribes that have participated in the state prescribed consultation process for this project. If the Qualified Archaeologist collects such resources, the TCA Native American monitor must be present during any cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the Tribal Cultural Resources that are unearthed during the ground disturbing activities, the TCA Native American monitor, may at their discretion, collect said resources and provide them to the appropriate TCA Tribe, as determined through the appropriate process, for respectful and dignified treatment in accordance with the TCA Tribe's cultural and spiritual traditions. Ground disturbing activities shall not resume until the Qualified Archaeologist, in consultation with the TCA Tribe, deems the cultural resource or feature has been appropriately documented and/or protected.

If the Applicant/Owner, Qualified Archaeologist, and TCA Tribe cannot agree on the significance or the mitigation for the newly discovered cultural resource(s), these issues will be presented to the planning director for decision. The planning director shall make the determination based on the provisions of CEQA with respect to cultural resources and shall consider the religious beliefs, customs, and practices of the TCA Tribe. Notwithstanding any other rights available under the law, the decision of the planning director shall be appealable to the appropriate governing body.

MM-CUL-7 The landowner shall relinquish ownership of all Tribal Cultural Resources unearthed during the cultural resource mitigation monitoring conducted during all ground disturbing activities to the appropriate TCA Tribe, as determined through the appropriate process, for respectful and dignified treatment and disposition, including reburial at a protected location on-site, in accordance with the TCA Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. No Tribal Cultural Resources shall be subject to curation.

Within 60 days after all monitoring is completed, the TCA Tribe will work with the Applicant/Owner to select a location for reburial that will be free from any disturbance including but not limited to development, excavation, any landscaping that exceeds the depth of the resources, above- or below-ground utility installation, flooding, etc. Upon return of the cultural resources, the Applicant/Owner will allow the TCA Tribe a reasonable timeframe in which to access the agreed upon area. The TCA Tribe will document the reburial location with GPS coordinates, add the data to internal GIS systems, and complete a form for submittal to the NAHC.

MM-CUL-8 Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the archaeological monitoring program (e.g., data recovery plan) shall be submitted by the Qualified Archaeologist, along with the TCA Native American monitor's notes and comments, to the City of Encinitas for approval no later than 90 days after monitoring has been completed. The report will include the results of monitoring including a list of project personnel, a catalog of any cultural resources that were identified, any associated DPR 523 Forms and/or confidential maps, details of the location of the final disposition of cultural resources, any issues or problems that occurred during monitoring, and any other pertinent information. Once completed, the Qualified Archaeologist will submit a draft to the City of Encinitas for review and approval. Upon approval by the City of Encinitas, a complete final report shall be submitted to the South Coastal Information Center, the TCA Tribe, and the Applicant/Owner.

MM-CUL-9 As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Office of the Medical Examiner by telephone. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a representative of the TCA Tribe. By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner identifies the remains to be of Native American ancestry, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall make a determination as to the Most Likely Descendent. The Most Likely Descendent shall be afforded that opportunity to visit the location of the discovery and shall complete their inspection within 48 hours of being granted access to the site. The Most Likely Descendent would then provide recommendations to the landowner and City regarding the treatment and disposition of the human remains.

MM-CUL-10 Areas/Sites that have been designated as Environmentally Sensitive Areas will be protectively fenced for the duration of the ground disturbing activities of the proposed project. The construction manager will ensure that the Qualified Archaeologist and TCA Native American monitor are notified at least 48 hours prior to fencing placement and the monitors will be present during installation of the fencing. On a daily basis either the archaeological monitor or the TCA Native American monitor will inspect the fencing for any potential breaches. Should a breach occur, the monitor(s) who identified the breach will notify the other monitor and the construction manager and an inspection of the breach will occur within a reasonable timeframe to determine the extent of the damage to the fence and the site(s). No additional ground disturbance shall occur within 50 feet of the breach until it can be fully inspected.

If the breach was caused by construction personnel, sensitivity training shall be provided by the Qualified Archaeologist and a TCA representative to the entire construction team, at a minimum. If the breach was minimal and no disturbance to the site occurred, the fencing shall be fixed and ground disturbing can resume at the authorization of the construction manager. If the damage to the site is extreme and irreparable, additional measures may be taken as determined appropriate by the City of Encinitas, up to and including removal of the offending operator from the jobsite, fines, and/or temporary work stoppages. Documentation of the fencing efforts will be included in the monitoring report completed by the Qualified Archaeologist.

# 3.6 Energy

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **VI. Energy** – Would the project: | | | | |
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | ☐ | ☐ | ☒ | ☐ |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | ☐ | ☐ | ☒ | ☐ |

***a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?***

Construction of the proposed project would require the use of electric power for as-necessary lighting and electronic equipment. The amount of electricity used during construction would be minimal because typical energy demand stems from the use of electrically powered equipment. This electricity demand would be temporary and would cease upon completion of construction; therefore, the proposed project would not adversely impact the available electricity supply. During construction, natural gas would typically not be consumed on the project site. The majority of the energy used during construction would be from petroleum-derived fuels.

Petroleum-derived fuels would be consumed throughout construction of the proposed project. Fuel consumed by construction equipment would be the primary energy resource expended over the course of construction, and vehicle miles traveled associated with the transportation of construction materials and construction worker commutes would also result in petroleum-derived fuel consumption. However, the proposed project would be required to comply with the California Air Resources Board's Airborne Toxics Control Measure, which restricts heavy-duty diesel vehicle idling time to 5 minutes. Additionally, the petroleum-derived fuels used during construction would be temporary and minimal and would not be wasteful or inefficient. Therefore, short-term construction impacts associated with energy consumption would be **less than significant.**

In regard to long-term operations, the Lake Drive project site would consist of replacing the existing storm drainage pipeline and constructing a new detention basin and thus would not result in an increase in energy consumption once construction is complete. As described in the project description above, the proposed project would also include long-term maintenance (i.e., removal of accumulated sediment) at the existing culvert outfall south of Manchester Avenue to facilitate flows into the San Elijo Lagoon and prevent threats to public health and safety. The frequency and duration of each maintenance event would be limited to the minimum necessary to reduce flood risk to life and property and would occur no more frequently than every 3 years. Associated energy consumption from this maintenance activity is not determined to be wasteful, inefficient, or unnecessary. Therefore, no long-term operational impacts associated with energy consumption would occur. Impacts related to energy usage are determined to be **less than significant.**

*b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

The City adopted its Climate Action Plan (CAP) in January 2018 and revised it in November 2020. As discussed above, considering the nature of the proposed project, the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy during construction or operation. During construction, the proposed project would comply with California Air Resources Board's Airborne Toxics Control Measure, which restricts heavy-duty diesel vehicle idling time to 5 minutes. Additionally, energy use during construction would be minimal and temporary. Further, the proposed project would not result in an increase in energy consumption during long-term operations. Therefore, impacts associated with the potential for the proposed project to conflict with a state or local renewable energy or energy efficiency plan would be **less than significant.**

# 3.7 Geology and Soils

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **VII. GEOLOGY AND SOILS** – Would the project: | | | | |
| a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | ☐ | ☐ | ☒ | ☐ |
| ii) Strong seismic ground shaking? | ☐ | ☐ | ☒ | ☐ |
| iii) Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☒ | ☐ |
| iv) Landslides? | ☐ | ☒ | ☐ | ☐ |
| b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☒ | ☐ |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☒ | ☐ | ☐ |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? | ☐ | ☒ | ☐ | ☐ |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | ☐ | ☐ | ☐ | ☒ |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☒ | ☐ | ☐ |

The following discussion is based on the geotechnical investigation, prepared by NV5 in October 2025, included as Appendix C to this MND. The purpose of this geotechnical investigation is to evaluate the subsurface conditions for the proposed project and to identify any potential constraints to development.

a) ***Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:***

i) ***Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.***

According to the California Geological Survey Alquist-Priolo Fault Hazard Zones, the project site is not within an Alquist-Priolo Earthquake Fault Zone. In addition, there are no known active or potentially active faults on the project site, including the Lake Drive and Manchester Avenue project sites (DOC 2025). Because the project site is not located within an active fault zone, the likelihood of fault rupture to occur within the project site is low. In addition, the design of the proposed project would conform to all applicable federal, state, and local building codes relative to seismic design criteria, and it would not increase the exposure of people or structures to potential substantial adverse effects from seismic ground shaking. The purpose of this project is for the City to maintain its existing storm drain distribution alignment and outlets within the Lake Drive project site and the Manchester Avenue project site long term to prevent threats to public health and safety. No new residences or new population would be introduced. Therefore, impacts would be **less than significant.**

ii) *Strong seismic ground shaking?*

Due to regional proximity to major known active fault zones such as the Newport-Inglewood-Rose Canyon connected fault zone (Appendix C), the project site is within a seismically active region. The project site is likely to be subjected to strong ground motion from seismic activity similar to that of the rest of San Diego County and Southern California, due to the seismic activity of the region as a whole. As described above, the design of the proposed project would conform to all applicable federal, state, and local building codes relative to seismic design criteria, and it would not increase the exposure of people or structures to potential substantial adverse effects from seismic ground shaking. As previously mentioned, implementation of the proposed project would not introduce new residences or new population. Therefore, impacts would be **less than significant.**

iii) *Seismic-related ground failure, including liquefaction?*

The project site is underlain by dense and very dense formational sedimentary bedrock materials (Appendix C). These materials are not considered to be susceptible to liquefaction; therefore, the potential for liquefaction, associated ground deformation, and seismic-induced settlement or ground failure are considered low. Thus, impacts would be **less than significant.**

iv) *Landslides?*

As identified in Appendix C, the Lake Drive project site consists of upper steep slopes and lower gentle slopes with intermediate slope gradients in between. The site is underlain by dense to very dense sandstone bedrock, which is considered relatively stable and not susceptible to deep-seated slope instability based on field observations conducted for the geotechnical investigation (Appendix C). However, as previously described in the project description, in January 2023, a large sinkhole, roughly 600 feet across and 30 feet deep, developed during the winter storms below Lake Drive, collapsing a portion of the roadway and causing a severe landslide below Lake Drive within the open space canyon. Emergency work, monitored by the project geologists, was conducted by the City from February 27 to September 27, 2023, and included repair of the Lake Drive roadway (including curb, gutter, and sidewalk), removal and replacement 140 feet of CMP with reinforced concrete pipe, backfill of the slope with native soils/material and then hydroseeding of the slope, and installation of a new energy dissipator at the bottom of the slope, to reduce storm flow velocities and flooding and prevent further threats to public health and safety. Additional emergency work was conducted within the Lake Drive project site between January and February 2024 in response to 2023/2024 winter rain events. The City implemented minimally invasive temporary solutions to prevent further erosion within the canyon as well as sedimentation downstream in the drainage system.

Mitigation of potential adverse impacts of geologic and seismic hazards through planning, design, and construction of the proposed project by adhering to applicable City ordinances, including the City's Grading, Erosion, and Sediment Control Ordinance; policies of the most recent California Building Code; and the results and recommendations of the geological study as described in Appendix C (**MM-GEO-1** and **MM-GEO-2**) would ensure that the proposed project's geotechnical design and construction would avoid risks associated with landslides. Additionally, the proposed project would not introduce new residences or population growth. As a result, the proposed project would not increase the exposure of people or structures to potential substantial adverse effects from landslides. Therefore, impacts would be **less than significant with mitigation incorporated.**

*b) Would the project result in substantial soil erosion or the loss of topsoil?*

Construction of the proposed project would result in ground surface disturbance during excavation and grading that could create the potential for erosion to occur. The Torrey Sandstone (Tt) deposit is mapped on the northern portion of the Lake Drive project site, and the Del Mar Formation is mapped on the southern portion of the site (Appendix C). Notwithstanding, the provisions of the California State Water Resources Control Board Stormwater Program and Stormwater General Construction Permit BMPs include the preparation of erosion control plans and a SWPPP, which would be employed to control any potential erosion or sedimentation impacts related to project construction.

As described in the project description above, the proposed project would also include long-term maintenance (i.e., removal of accumulated sediment) at the existing culvert outfall south of Manchester Avenue to facilitate percolation/flows into the San Elijo Lagoon and prevent threats to public health and safety. The frequency and duration of each maintenance event would be limited to the minimum necessary to reduce flood risk to life and property and would occur no more frequently than every 3 years. The proposed project would consist of a City-owned staging area located within disturbed habitat immediately adjacent to Manchester Avenue but outside the San Elijo Lagoon Ecological Reserve and an approximate 130-foot excavation work area downstream of the existing culvert outfall. The staging area would be used to access the excavation work area and to stockpile the removed sediment. All sediment shall be exported to an approved dump site. The proposed project would initially involve removal of up to 350 cubic yards of material, similar to the December 2020 emergency work, as described in the project description. However, the volume of material is expected to decrease during subsequent maintenance efforts due to the higher functionality of the upstream portions of the storm drain system. All work would be conducted in accordance with applicable erosion control plans, BMPs, and a SWPPP. Compliance with these measures would ensure that the potential impacts related to soil erosion or loss of topsoil would be **less than significant.**

*c)* ***Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?***

As described in Threshold (a)(iii) above, the geotechnical investigation (see Appendix C) determined that the potential for liquefaction is low. The project site is underlain by dense to very dense sandstone bedrock, which is considered relatively stable and not susceptible to deep-seated slope instability. Expansion index testing conducted as part of the geotechnical investigation indicated that soils on site have a very low expansion potential. The project alignment is not located in an area of known ground subsidence due to the withdrawal of subsurface fluids (Appendix C).

As described in Threshold (a)(iv) above, the proposed project would implement the recommendations provided in the geotechnical investigation during construction to avoid risks associated with unstable soils, including the recommendation to have a geologist/engineer present for continuous observation during construction to ensure compliance with geotechnical specifications as incorporated into project plans and observe if adverse subsurface conditions, with regards to slope instability, exist, allowing the opportunity to recommend appropriate revisions where necessary (**MM-GEO-1** and **MM-GEO-2**). Adherence to these recommendations and regulations would ensure that the project would not result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. The proposed project does not involve any habitable structures that could be impacted by landslides, lateral spreading, subsidence, or liquefaction. Therefore, impacts would be **less than significant with mitigation incorporated.**

*d)* ***Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?***

Certain types of soil are inherently expansive, meaning they can expand and contract as the water content fluctuates within the soil. This expansion and contraction, also called "shrink-swell," can damage structures that are not appropriately engineered for this activity. The U.S. Department of Agriculture analyzes the shrink-swell potential of each soil type and categorizes it as "low," "moderate," "high," or "very high." Where the shrink-swell classification is moderate to very high, shrinking and swelling can damage buildings, roads, and other structures.

As described in Threshold (c) above, expansion index testing conducted as part of the geotechnical investigation indicated that on-site soils have a very low expansion potential. The on-site relatively clean sandy soils (clayey sands and silty sands) are considered suitable for use as compacted fill provided they are free of harmful or oversized materials and the moisture content is adjusted to within a compactable range. The construction-level geotechnical recommendations and design parameters contained in the geotechnical report shall be incorporated into the final rough grading plans and implemented during removal and fill operations to verify such recommendations and design parameters are incorporated. Also, as discussed in Threshold (a) above, the proposed project does not include any structures or other components that could directly or indirectly relate to potential risk to life or property, because the project site would not be inhabited. With implementation of **MM-GEO-1** and **MM-GEO-2**, considering the proposed project does not include any habitable structures on site, and taking into account project compliance with applicable regulations related to infrastructure improvements, including the City's Grading, Erosion, and Sediment Control Ordinance, impacts from expansive soils would be **less than significant with mitigation incorporated.**

*e)* ***Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?***

No septic tank systems are proposed as part of the project. The proposed project would not include any new structures or uses that would require the use of a septic tank or alternative wastewater disposal system. Therefore, **no impact** would occur.

*f)* ***Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?***

The project site is in the vicinity of two known geologic units that have the potential to contain paleontological resources. The Torrey Sandstone (Tt) deposit is mapped on the northern portion of the Lake Drive project site, and the Del Mar Formation is mapped on the southern portion of the site (Appendix C). During the subsurface explorations, the Del Mar Formation was not observed or encountered despite it being mapped on the project site. Both the Torrey Sandstone deposit and Del Mar Formation are recognized as having high or moderate potential to contain paleontological resources (County of San Diego 2007b). The proposed project would not require a substantial amount of grading due to the nature of the project; however, the proposed project would involve trenching during placement of the new storm drain pipe.. The pipe would be installed in an excavated trench, and shoring would be used to construct the needed trench to install the new storm drain pipe. Due to the required trenching, the geologic units on site that have the potential to contain paleontological resources, and the moderate potential for the inadvertent discovery of cultural resources (as described in Section 3.5), **MM-GEO-3** is provided in the event excavation results in the unanticipated discovery of paleontological resources. Based on the analysis summarized above impacts would be reduced to **less than significant with mitigation incorporated.**

## Mitigation Measures

The proposed project is required to implement the following mitigation measures to reduce potential impacts to geology and soils, as well as to unknown paleontological resources.

MM-GEO-1 Incorporation of and Compliance with the Recommendations in the Geotechnical Investigation. All grading operations and construction shall be conducted in conformance with the recommendations included in the project-specific geotechnical investigation report prepared by the geotechnical consultant, NV5 (October 8, 2025). Design, grading, and construction shall be performed in accordance with the requirements of the City of Encinitas (City) Building Code and the California Building Code applicable at the time of grading, appropriate local grading regulations, and the recommendations of the project geotechnical consultant as summarized in a final written report, subject to review by the Director of the City's Development Services Department, or designee, prior to issuance of grading permits.

MM-GEO-2 Grading Plan Review and Construction Monitoring. Grading plan review shall also be conducted by the geotechnical consultant and the Director of the City of Encinitas (City) Development Services Department, or designee, prior to the start of grading to verify that the recommendations developed during the geotechnical design evaluation have been appropriately incorporated into the project plans. Construction monitoring during site preparation, removal of suitable soils, assessment of on-site soils for us as backfill, assessment of imported fill materials, backfill placement, and other earthwork operations shall be conducted by the geotechnical consultant and the City Building Official, or designee, to ensure compliance with geotechnical specifications as incorporated into project plans.

MM-GEO-3 Unanticipated Paleontological Resources. A Worker Environmental Awareness Program (WEAP) shall be conducted for construction contractors and all on-site personnel. WEAP training shall cover the potential sensitive environmental resources that may be found on site and would educate and instruct on-site personnel to avoid paleontological resources. All on-site personnel shall be required to attend the WEAP training prior to working at the job site. Environmental professionals shall conduct WEAP training throughout construction for all project personnel prior to working on site. Construction personnel shall also be provided detailed information about the project site, including reports, plans, maps, and any other relevant project documents. Information and maps shall include sensitive geologic formations.

If an inadvertent discovery of paleontological materials (e.g., unusual amounts of shell or animal bone) is made during project-related construction activities, ground disturbance in the area of the find shall be halted; the discovered resource shall be roped off; and the City of Encinitas and a qualified professional archaeologist and/or paleontologist shall be contacted. The qualified paleontologist shall be assigned to determine whether the resource is potentially significant as per the Society of Vertebrate Paleontology 2010 guidelines for mitigation and shall develop appropriate treatment measures.

## 3.8 Greenhouse Gas Emissions

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **VIII. GREENHOUSE GAS EMISSIONS** – Would the project: | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☐ | ☐ | ☒ | ☐ |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☒ | ☐ | ☐ |

***a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***

Construction would result in some temporary GHG emissions from the use of construction equipment. GHG emissions generated during construction of the proposed project would be short term, lasting only for the duration of the 11-month construction period, and would not represent a long-term source of GHG emissions. Once project construction is complete, no operational activities associated with the proposed project would occur, with the exception of pipe facility check-up/maintenance and long-term maintenance (i.e., removal of accumulated sediment) at the existing culvert outfall south of Manchester Avenue to facilitate flows into the San Elijo Lagoon. The Manchester Avenue frequency and duration of each maintenance event would be limited to the minimum necessary to reduce flood risk to life and property and would occur no more frequently than every 3 years. Given the temporary nature of project construction and limited operational maintenance activities, GHG emissions from construction are determined to be **less than significant.**

b) ***Would the project generate conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?***

The City's CAP, adopted January 2018 and in November 2020, provides guidance on how the City will address climate change, including measures and actions to reduce GHG emissions citywide. The City's CAP aims to reduce the City's emissions by 44% below 2012 levels by 2030. The CAP measures that would apply to the proposed project include a measurement under Strategy 7, Carbon Sequestration, which established the goal of increasing urban tree cover. In addition, CAP Measure CS-1 requires the City to have a net increase of 1,150 trees by 2030. Additionally, supporting measures encourage developers to avoid removal of mature trees and, in the case that removal of mature trees is unavoidable, require replacement of mature trees at a 1:1 ratio (City of Encinitas 2020).

As described in Section 3.4, Biological Resources, two Torrey pines occur within the temporary impact footprint area, and one occurs within the permanent impact footprint at the Lake Drive project site. No tree removal is proposed at the Manchester Avenue project site.

In accordance with the City's CAP measures listed above, individuals of Torrey pine that occur within the impact footprint would be flagged and avoided or mitigated by planting Torrey pine on site at a 1:1 ratio in accordance with **MM-BIO-5**. With implementation of **MM-BIO-5**, as well as **MM-BIO-4**, which provides for biological monitoring during construction, and project compliance with the City's CAP, the project would not generate conflicts, through construction or operations, with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Therefore, impacts would be **less than significant with mitigation incorporated.**

# 3.9 Hazards and Hazardous Materials

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **IX. HAZARDS AND HAZARDOUS MATERIALS** – Would the project: | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☒ | ☐ |

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☐ | ☒ | ☐ |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☒ | ☐ |
| d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☒ |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☒ | ☐ |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | ☐ | ☐ | ☒ | ☐ |

***a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?***

The proposed project would not involve the disposal of hazardous materials during construction or operation. The proposed project entails removal of an existing pipeline and replacement with a new pipeline and detention basin, as well as long-term maintenance at the existing culvert outfall south of Manchester Avenue. The transport and use of hazardous substances, such as gasoline, diesel fuel, lubricating oil, grease, and solvents, would be used for construction vehicles and equipment during construction of the proposed project. These materials are not considered acutely hazardous and are routinely used in construction projects. The transport and use of these materials for their intended purpose during construction would not pose a significant risk to the public or environment. In addition, materials handled would not pose a significant risk to adjacent residents or construction workers because the contractor would be required to ensure these materials would be used and stored in accordance with manufacturers' instructions and handled in compliance with federal Occupational Safety and Health Administration (OSHA) and California OSHA standards and other applicable regulations. These materials would be used within the boundaries of the project site and would be transported, handled, and utilized in accordance with all applicable federal, state, and local laws and regulations. The County Department of Environmental Health and Quality, Hazardous Materials Division, is the designated Certified Unified Program Agency for San Diego County and is required to implement the unified hazardous waste and hazardous materials management and regulatory program for the County, with the help of other local agencies such as the City. The City will continue to maintain permitting requirements, as administered by the County's Department of Environmental Health and Quality requirements, for all land uses that handle, store, or generate hazardous waste. Construction would be temporary, and on-site activities would be regulated through implementation of Certified Unified Program Agency programs and conformance with other applicable federal, state, and local regulations, including applicable General Plan policies, including City of Encinitas General Plan Public Safety Element Policies 3.1, 3.2, 3.4, and 3.6, which are associated with protection from exposure to hazardous materials and wastes and the transport of such materials (City of Encinitas 1995). Additional on-site management of the referenced hazardous materials would be captured and applied through the SWPPP, which requires plans to be prepared in the event of any spill or other accidental release of hazardous materials. Through the application and administration of the referenced laws and regulations, further supported by on-site management requirements, impacts would be **less than significant.**

*b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Please refer to the response to Threshold (a) above, which describes that the proposed project would transport, handle, and utilize all hazardous materials in accordance with all applicable federal, state, and local regulations. As also discussed above, the project would employ on-site management of hazardous materials through specific provisions provided in the SWPPP, which includes response plans in the event of any spill or other accidental release of hazardous materials. Long-term maintenance at the existing culvert outfall south of Manchester Avenue to facilitate flows into the San Elijo Lagoon and prevent threats to public health and safety would consist of a City-owned staging area located within disturbed habitat immediately adjacent to Manchester Avenue but outside the San Elijo Lagoon Ecological Reserve and an approximately 130-foot excavation work area downstream of the existing culvert outfall. The staging area would be used to access the excavation work area and to stockpile the removed sediment. All sediment shall be exported to an approved dump site. Based on the analysis conducted and described above, including the analysis and management practices presented under Threshold (a), the proposed project would not create a significant hazard to the public or the environment, and impacts are determined to be **less than significant.**

*c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

The closest school to the project site is Encinitas Country Day School, located approximately 0.8 miles from the project site. Therefore, the proposed project is not located within 0.25 miles of an existing or proposed school. Because the proposed project would only transport, handle, and use commonly used hazardous materials associated with short-term construction activities, the proposed project would not pose a significant risk to the public and would not emit any hazardous emissions near any existing or proposed schools. Therefore, impacts would be considered **less than significant**.

*d)* ***Would the project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?***

The project sites are not included on any lists compiled pursuant to Government Code Section 65962.5 or on the California Department of Toxic Substances Control (EnviroStor) and State Water Resources Control Board (GeoTracker) databases for contaminated sites (DTSC 2022; SWRCB 2022). Therefore, **no impact** would occur.

*e)* ***For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?***

The project sites are located approximately 7.5 miles south of McClellan-Palomar Airport. According to the San Diego County Regional Airport Authority, the project site is not located within the Airport Influence Area or inner safety zones for the McClellan-Palomar Airport (San Diego County Regional Airport Authority 2011).

The proposed project includes replacement of an underground pipeline, construction of a new detention basin, and long-term maintenance of an existing culvert outfall and would not include any facilities that would be of a height that would represent an obstruction to air navigation, change air traffic patterns, or result in substantial safety risks regarding air traffic. Therefore, **no impact** would occur.

*f)* ***Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

The project sites are located in undeveloped areas and entail replacement of an underground pipeline, construction of a new detention basin, and long-term maintenance of an existing culvert outfall. The proposed project does not involve any uses that would induce population growth. No permanent or temporary road closures or modifications are proposed as part of the project, and project implementation would not hinder any emergency access in the area. All construction activities and staging is expected to take place within the project sites. No incompatible uses on public roads would occur from either transport of construction equipment or operation of the proposed project. Therefore, the proposed project would not impair or interfere with an adopted emergency response plan or emergency evacuation plan, and impacts would be **less than significant.**

*g)* ***Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?***

According to California Department of Forestry and Fire Protection's Fire Hazard Severity Zones in local responsibility areas, the Lake Drive and Manchester Avenue project sites are in a designated Very High Fire Hazard Severity Zone (CAL FIRE 2025). During construction activities, a portion of the site would be cleared to remove existing vegetation in order to remove and replace the storm drain pipeline. There is always the potential of ignition from construction due to heat or sparks from construction equipment, vehicles, and the use of flammable hazardous materials, which have the potential to ignite adjacent vegetation, especially during weather events that include low humidity and high wind speed. However, given the nature of the proposed project, project activities would not increase or exacerbate the existing wildfire risk compared to what currently exists at the project site. Project operation would be limited to annual maintenance activities, which would not increase the wildfire risks at the project site. Furthermore, the proposed project does not involve any habitable structures that could be impacted by potential fires on site, and the location of the Manchester Avenue project long-term maintenance is not a wildfire concern. Lastly, the proposed project does not involve any growth-inducing components, and no habitable structures would be incorporated on site. Therefore, impacts would be **less than significant.**

## 3.10 Hydrology and Water Quality

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| X. **HYDROLOGY AND WATER QUALITY** – Would the project: | | | | |
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? | ☐ | ☐ | ☒ | ☐ |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | ☐ | ☐ | ☒ | ☐ |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: | | | | |
| i) result in substantial erosion or siltation on- or off-site; | ☐ | ☐ | ☒ | ☐ |
| ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; | ☐ | ☐ | ☒ | ☐ |
| iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or | ☐ | ☐ | ☒ | ☐ |
| iv) impede or redirect flood flows? | ☐ | ☐ | ☒ | ☐ |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | ☐ | ☐ | ☐ | ☒ |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | ☐ | ☐ | ☒ | ☐ |

The following analysis is based on the drainage report prepared for the proposed project and included as Appendix D to this MND.

*a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

As previously described, the City has proposed the removal and replacement of approximately 2,000 linear feet of existing 48-inch-diameter CMP and associated appurtenances from the curb inlet along Lake Drive west through the canyon to I-5. The existing alignment would be replaced with new pipes and appurtenances of similar size. The new storm drain would generally follow the same alignment to preserve existing hydraulic conditions and minimize site disturbances as much as possible. As described in Threshold (a)(iv) of Section 3.7 above, in January 2023, a large sinkhole developed during the winter storms below Lake Drive, collapsing a portion of the roadway and causing a severe landslide below Lake Drive within the open space canyon. Emergency work was conducted by the City from February 27 to September 27, 2023, to reduce storm flow velocities and flooding and prevent further threats to public health and safety. Additional emergency work was conducted within the Lake Drive project site between January and February 2024 in response to 2023/2024 winter rain events to prevent further erosion within the canyon as well as sedimentation downstream in the drainage system.

As further detailed in the project description, the proposed project's permanent impacts would occur from the detention basin at the northern end of the project site, which will reduce storm flow velocities and flooding, and from the maintenance access road along the pipeline alignment. Ongoing operation would include basin maintenance and checking pipes.

The proposed project would also include long-term maintenance (i.e., removal of accumulated sediment) at the existing culvert outfall south of Manchester Avenue to facilitate flows into the San Elijo Lagoon. The proposed project would involve removal of up to 350 cubic yards of material, similar to the December 2020 emergency work, as described in the project description. The staging area would be used to access the excavation work area and to stockpile the removed sediment. All sediment shall be exported to an approved dump site.

Construction activities associated with the proposed project would include earth-moving activities, such as grading and trenching, which could potentially affect surface and groundwater quality. Indirect impacts associated with erosion and pollution affecting water quality would be reduced through permit compliance and standard BMPs, as well as City development requirements related to erosion control, sedimentation, and runoff prevention, including the City's Grading, Erosion, and Sediment Control Ordinance. Specifically, the City would incorporate methods to control runoff, including a SWPPP to meet the NPDES regulations. Implementation of stormwater regulations is expected to substantially control erosion and sedimentation during and following construction both adjacent to and downstream of the project site. Typical construction BMPs, specifically related to reducing impacts from dust, erosion, and runoff generated by construction activities, would be implemented. During construction, material stockpiles would be placed such that they cause minimal interference with on-site drainage patterns. This would protect water resources from being inundated with sediment-laden runoff. Dewatering would be conducted in accordance with standard RWQCB regulations. A NPDES permit, issued by the San Diego RWQCB, to discharge water from dewatering activities would be required prior to start of dewatering. This would minimize erosion, siltation, and pollution within sensitive communities. Design of drainage facilities would incorporate long-term control of pollutants and stormwater flow to minimize pollution and hydrologic changes.

Upon compliance with the RWQCB and City requirements, implementation of a SWPPP, along with site-specific BMPs required by the City and included in the California Stormwater Quality Association Best Management Practices Handbook, the proposed project would not violate water quality standards. The SWPPP must specify the location, type, and maintenance requirements for BMPs necessary to prevent stormwater runoff from carrying construction-related pollutants into nearby receiving waters, and BMPs must be implemented to address the potential release of fuels, oil, and/or lubricants from construction vehicles and equipment. Additionally, the proposed project would be required to comply with the City's Engineering Design Manual Chapter 7: BMP Design Manual, which provides guidance for development and improvement projects (City of Encinitas 2016).

During project operation, similar to the current pipeline that exists on site, the pipeline would collect stormwater from storm drains in the surrounding area and has been designed to ensure compliance with state and local water quality standards and waste discharge requirements. Therefore, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality, and impacts would be **less than significant.**

*b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

The proposed project would require a minimal amount of water use for construction-related dust suppression and earthwork activities, which would be provided by San Dieguito Water District. Project operation would not require any water supplies. Therefore, because anticipated water usage at the project site would be related to short-term construction activities, and water would be supplied by surface water from Lake Hodges, and surface water, groundwater, recycled water, and purified water would be supplied from the San Diego County Water Authority (City of Encinitas 2022b; SDCWA 2022), impacts to groundwater supplies would be **less than significant.**

*c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

*i) Result in substantial erosion or siltation on- or off-site?*

*ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?*

*iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

*iv) Impede or redirect flood flows?*

Please refer to the response to Threshold (a) above. As described above, the proposed project would remove and replace approximately 2,000 linear feet of existing 48-inch-diameter CMP and associated appurtenances from the curb inlet along Lake Drive west through the canyon to I-5. The proposed project would also construct a new detention basin to reduce storm flow velocities and flooding and would include long-term maintenance (i.e., removal of accumulated sediment) at the existing culvert outfall south of Manchester Avenue to facilitate flows into the San Elijo Lagoon and prevent threats to public health and safety. The existing CMP would be replaced with new pipes and appurtenances of similar size. The purpose of the proposed project is to replace an existing storm drainage pipeline, which was determined to be severely undersized, to convey 100-year stormwater flows entering at the curb inlet along Lake Drive (Appendix D).

The proposed project also includes construction of a detention basin, which would be located as close to Lake Drive as possible in order to reduce the flows and volumes and avoid further erosion within the canyon. The detention basin would be approximately 15 feet deep and would require fencing around the sides for safety. Installation of the proposed detention basin would also provide some water quality benefits as it would reduce sediment loads in the stormwater.

The proposed project would not substantially alter the existing drainage pattern of the site or area, nor would it alter the course of a stream or river through the addition of impervious surfaces. The new storm drain pipeline would generally follow the same alignment as the existing pipeline it is replacing to preserve the existing hydraulic conditions and to minimize site disturbance as much as possible.

The proposed long-term maintenance at the existing culvert outfall south of Manchester Avenue would be limited to the minimum necessary to reduce flood risk to life and property and would occur no more frequently than every 3 years. This portion of the proposed project would consist of a City-owned staging area located within disturbed habitat immediately adjacent to Manchester Avenue but outside the San Elijo Lagoon Ecological Reserve and an approximately 130-foot excavation work area downstream of the existing culvert outfall. The staging area would be used to access the excavation work area and to stockpile the removed sediment. All sediment would be exported to an approved dump site. The December 2020 emergency work was conducted over 3 days and removed an estimated 350 cubic yards of material, consisting of approximately 210 cubic yards of compatible beach sand and 140 cubic yards of mixed sediment. Future maintenance efforts are anticipated to remove a similar amount of material.

Because the proposed project does not involve habitable structures or any structures that would increase water use on site or runoff from the site, the proposed project would not result in increased surface runoff that could result in flooding or capacity exceedance of the existing storm drain servicing the project site. The proposed project would increase the capacity of the current drainage system.

As previously analyzed, all project grading would be subject to the typical restrictions, including BMPs and requirements that address erosion and runoff, such as the federal Clean Water Act, NPDES; City Engineering Standards, and preparation of a SWPPP. With consideration that the proposed project would improve the currently adverse conditions related to the existing storm drain, impacts would be **less than significant.**

*d) In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?*

The project sites are not located in a flood hazard, tsunami, or seiche zone (DOC 2009; FEMA 2019). Given the nature of the proposed project, no pollutants would be released in the event of site inundation. There would be **no impact.**

***e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?***

See analysis provided under Thresholds (a) through (c) above. For the reasons described in the analysis provided, the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and impacts would be **less than significant.**

# 3.11 Land Use and Planning

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XI. LAND USE AND PLANNING** – Would the project: | | | | |
| a) Physically divide an established community? | ☐ | ☐ | ☐ | ☒ |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☐ | ☒ |

***a) Would the project physically divide an established community?***

***b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?***

The project sites are surrounded by residential development to the north, east, and southeast; I-5 to the west; and solar panels to the south. The project sites are mainly undeveloped, with the exception of the existing underground pipeline and existing culvert outfall at Manchester Avenue. The proposed project would include the replacement of an existing pipeline, construction of a detention basin, and long-term maintenance of the existing culvert outfall and would not divide the adjacent established community. The land use of the area would remain the same and would not conflict with any land use plan, policy, or regulation. The City's General Plan land use designation for the site conditionally permits utility projects; therefore, there would be **no impact** to land use.

# 3.12 Mineral Resources

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XII. MINERAL RESOURCES** – Would the project: | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☒ |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | ☒ |

a) ***Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?***

b) ***Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?***

The City's General Plan does not discuss or identify mineral resources of value within the City (City of Encinitas 2011). According to the Department of Conservation Mineral Land Classification Map, the project area is classified as MRZ-3. The MRZ-3 classification is defined by "areas containing known or inferred mineral occurrences of undetermined mineral resource significance" (DOC 2017). The project site is within the MRZ-3 classification; however, replacement of an existing pipeline would not result in the loss of any known mineral resources of value to the region or residents of the state. The closest area mapped as MRZ-1 is located approximately 3 miles south of the project site (DOC 2017). Therefore, the proposed project would not contribute to the loss of any mineral resources considered of value to the region or state or considered locally important. Therefore, **no impact** would occur.

# 3.13 Noise

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XIII. NOISE** – Would the project result in: | | | | |
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☐ | ☒ | ☐ |

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| b) Generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☒ | ☐ |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ |

***a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?***

### Construction

The proposed project would generate some noise during project construction. Project construction at the Lake Drive project site is anticipated to occur over approximately 11 months and would be temporary in nature. Project construction would be limited to removing and replacing an existing pipeline and constructing a new detention basin and access road. Noise from light-duty cars and trucks utilized during construction activities for the movement of equipment, materials, and workers to and from the project site would be consistent with the existing noise from motor vehicles received by residences and businesses in the project site's vicinity. Additionally, all construction activities would comply with Municipal Code Section 9.32.410, which limits construction equipment operation to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. Compliance with applicable noise regulations would ensure that temporary construction-related noise impacts would be **less than significant.**

### Operation

Operational noise from the proposed project would be minimal and similar to existing conditions in the project area. The underground pipeline would not produce operational noise. As-needed maintenance activities, such as sediment removal or emergency repairs, would be infrequent and temporary in duration. All maintenance activities at the Lake Drive project site and at the existing culvert outfall off Manchester Avenue would comply with City Municipal Code Chapter 9.32 (Noise Abatement and Control), and Section 9.32.417 provides exceptions for emergency repairs necessary to prevent flooding and protect life and property. Therefore, following compliance with the City's noise regulations, noise impacts associated with the proposed project would be less than significant.

***b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?***

The proposed project would consist of replacement of an existing storm drain pipeline, construction of a detention basin, and long-term maintenance of an existing culvert outfall. Construction activities would not require the use of equipment that would generate vibration, nor would pile driving or other vibration-intense activities occur. Operation is limited to as-needed maintenance that would not generate any substantial groundborne vibration or groundborne noise levels. Therefore, impacts would be **less than significant.**

***c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?***

The project site is located approximately 7.5 miles south of McClellan-Palomar Airport. According to the San Diego County Regional Airport Authority, the proposed project is not located within the Airport Influence Area or inner safety zones for the McClellan-Palomar Airport (San Diego County Regional Airport Authority 2011). The proposed project would also not include any new homes or businesses that people would reside or work in. Therefore, **no impact** would occur.

## 3.14 Population and Housing

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XIV. POPULATION AND HOUSING** – Would the project: | | | | |
| a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☐ | ☒ |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |

***a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?***

***b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?***

The proposed project would not include construction of any new homes or businesses. In addition, operation of the proposed project would not require any new employees because maintenance would be handled by the

City's Utilities Department, the same as under existing conditions. Proposed replacement and maintenance of associated infrastructure is required to ensure that the capacity of the pipeline can handle current stormwater flows and reduce flood risk to life and property. The pipeline is not being replaced to allow an increase in capacity to support additional development. The proposed project would not indirectly encourage new development or induce population growth in the project area. Additionally, the proposed project would not displace people or housing, as the pipeline would occur in the same location as the existing pipeline within the canyon, which does not contain any housing. Therefore, **no impact** would occur.

## 3.15 Public Services

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XV. PUBLIC SERVICES** | | | | |
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: | | | | |
| Fire protection? | ☐ | ☐ | ☒ | ☐ |
| Police protection? | ☐ | ☐ | ☐ | ☒ |
| Schools? | ☐ | ☐ | ☐ | ☒ |
| Parks? | ☐ | ☐ | ☐ | ☒ |
| Other public facilities? | ☐ | ☐ | ☐ | ☒ |

***a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:***

***Fire protection?***

The project site is served by the Encinitas Fire Department. The closest fire station to the project site is located at 618 Birmingham Drive, Cardiff-by-the-Sea, California 92007, which is approximately 0.8 miles from the project site (City of Encinitas 2022c). According to the California Department of Forestry and Fire Protection's Fire Hazard Severity Zones in local responsibility areas, the Lake Drive and Manchester Avenue project sites are located within a Very High Fire Hazard Severity Zone (CAL FIRE 2025). However, due to the public-utility nature of the proposed project and because the proposed project would not induce population growth and would not increase fire risk compared to existing conditions, the proposed project would not generate significant new demand for additional fire services. Therefore, impacts would be **less than significant.**

***Police protection?***

The City contracts with the San Diego County Sheriff to provide law enforcement services to the City, including the project site. The North Coastal Sheriff Station, located at 175 North El Camino Real, Encinitas, California 92024, is located approximately 2 miles from the project site.

Due to the public-utility nature of the proposed project and because the proposed project would not induce population growth, project implementation would not generate significant new demand for additional police services. Therefore, **no impact** would occur.

***Schools?***

The proposed project would not induce population growth and thus would not generate new students in the project area. As such, the proposed project would not generate a demand for school services or additional school facilities. Therefore, **no impact** would occur.

***Parks?***

The proposed project would not induce population growth and thus would not result in increased demand for park and recreational facilities in the area. **No impact** would occur.

***Other public facilities?***

The proposed project would not induce population growth and thus would not result in increased demand for other public facilities, including library branches and community centers, in the project area. **No impact** would occur.

# 3.16 Recreation

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XVI. RECREATION** | | | | |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | ☐ | ☐ | ☐ | ☒ |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☒ |

***a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?***

***b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?***

The proposed project would not induce population growth and thus would not result in increased usage at park and recreational facilities in the project area. Additionally, the proposed project would not include construction of new recreational facilities or the expansion of recreational facilities. Therefore, implementation of the proposed project would not place any additional demand on recreational facilities within the City, and **no impact** would occur.

# 3.17 Transportation

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XVII. TRANSPORTATION** – Would the project: | | | | |
| a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? | ☐ | ☐ | ☒ | ☐ |
| b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? | ☐ | ☐ | ☒ | ☐ |
| c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☒ | ☐ |
| d) Result in inadequate emergency access? | ☐ | ☐ | ☒ | ☐ |

***a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?***

Traffic generated by the proposed project would be primarily associated with temporary construction activities, including construction worker trips and equipment and material deliveries. Additionally, haul-routes taking sediment material out of the project site area to the landfill or a local beach could occur based on cubic yardage of deposited material within the drain system. Project construction would be contained within the project site and along Lake Drive. Impacts to circulation surrounding the project site would be short term and would primarily be associated with construction traffic along Lake Drive, Wales Drive, Lagoon View Drive, and Wales Place. No lane closures would occur as part of project construction, and the circulation system for existing nearby residents would not be substantially impacted during the temporary project construction.

Furthermore, the proposed project would not induce population growth, either directly or indirectly, that could generate additional traffic during operation.

Upon completion of project construction, operational activities associated with the proposed project would be limited in scope. The proposed project would not involve routine daily equipment operation or regular vehicle trips. As-needed maintenance, repair, and inspections would occur in order to maintain proper performance and structural integrity of the overall storm drain facility and reduce flood risk to life and property, as further described in the project description. These activities would not represent a substantial change in the City's ongoing operations relative to existing conditions and would not require additional vehicle trips or workers. Therefore, due to the nature of the proposed project, temporary construction, and no long-term project impacts related to traffic and circulation, project construction and operation would not directly or indirectly conflict with a state or City program, plan, ordinance, or policy addressing the circulation system. Impacts would be **less than significant.**

*b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

CEQA Guidelines Section 15064.3(b) focuses on newly adopted criteria for assessing transportation impacts using vehicle miles traveled. Per CEQA Guidelines Section 15064.3, analysis criteria detailed in this CEQA Guidelines section became applicable on July 1, 2020, unless the lead agency adopted their own vehicle miles traveled thresholds earlier. The Governor's Office of Land Use and Climate Innovation (formerly the Governor's Office of Planning and Research) does not require quantitative assessment of temporary construction traffic, and due to the minimal annual maintenance trips required for project operation, which fall under 110 daily trips, no assessment is required for project operation. According to the Governor's Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact (OPR 2018). As such, the proposed project would not conflict or be inconsistent with CEQA Guidelines Sections 15064.3(b)(1) and 15064.3(b)(3). Impacts would be **less than significant.**

*c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

Construction of the proposed project would include heavy construction equipment and truck deliveries of materials and supplies to the project site. A limited number of oversized loads may be required to deliver large equipment at the outset of construction and to remove the equipment after construction is completed. Access to the Lake Drive project site is expected to occur from Lake Drive between Sea Village Way and Wales Drive using an existing maintenance road. No vehicles are expected to be present on the Lake Drive project site after construction except for the occasional maintenance vehicle on the maintenance road, as well as maintenance vehicles for ongoing maintenance, as necessary, at the Manchester Avenue project site, as described in the project description. Changes from the proposed project would only occur on the project site and would not result in changes to the design of the surrounding roadways. Therefore, impacts would be **less than significant.**

***d) Would the project result in inadequate emergency access?***

Implementation of the proposed project would not hinder emergency access to the site or surrounding area. No permanent or temporary road closures or modifications are proposed as part of the project. Additionally, all construction activities and staging would take place within the project site or temporarily on Lake Drive. Moreover, no incompatible uses on public roads would occur from either construction or operation of the proposed project that would result in inadequate emergency access. As described above, no habitable structures are proposed on site that would increase the demand in emergency services. For these reasons, implementation of the proposed project would not result in inadequate emergency access to the site, and impacts would be **less than significant.**

# 3.18 Tribal Cultural Resources

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XVIII. TRIBAL CULTURAL RESOURCES** | | | | |
| Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: | | | | |
| a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | ☐ | ☐ | ☒ | ☐ |
| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | ☐ | ☒ | ☐ | ☐ |

The following analysis is based on the cultural resources inventory and evaluation report prepared as part of the proposed project and included as Appendix B.

***Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:***

***a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?***

As previously discussed, under Section 3.5, the records search conducted for the project site indicated that eight cultural resources were present within the APE (Appendix B). None of the previously recorded cultural resources have been listed or are considered eligible for listing in the California Register of Historical Resources or on the City's list of historical resources (Appendix B). Additionally, the project site has been previously disturbed to construct the existing pipeline, surrounding residential development, and I-5. Therefore, the proposed project would not impact a TCR as defined in California Public Resources Code Section 21074, listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in California Public Resources Code Section 5020.1(k), and impacts would be **less than significant.**

***b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

The proposed project is subject to compliance with AB 52 (California Public Resources Code, Section 21074). AB 52 established a formal consultation process for California tribes within the CEQA process. AB 52 specifies that any project that may affect or cause a substantial adverse change in the significance of a TCR would require a lead agency to "begin consultation with a California Native American tribe that is traditional and culturally affiliated with the geographic area of the proposed project." Section 21074 of AB 52 also defines a new category of resources under CEQA called "tribal cultural resources" (TCRs). TCRs are defined as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and are either listed on or eligible for listing on the California Register of Historical Resources or a local historic register, or are considered TCRS if the lead agency chooses to treat the resources as TCRs. Because AB 52 is a government-to-government process, all records of correspondence related to AB 52 notification and any subsequent consultation are on file with the City.

In accordance with the requirements outlined California Public Resources Code Section 5024.1(c), the lead agency initiated steps to determine the significance of a resource at its discretion and with substantial evidence. Dudek, on behalf of the City, requested a search of the NAHC Sacred Lands File on April 6, 2021, for the project APE and a 1-mile buffer. The Sacred Lands File consists of a database of known Native American resources. These resources may not be included in the South Coastal Information Center database. The NAHC response was received on April 21, 2021, stating that the Sacred Lands File search did not indicate the presence of sacred lands and attached a contact list containing 22 Native American individuals and/or tribal organizations who may have direct knowledge of cultural resources in or near the project site. Outreach letters with a map and description of the planned project were mailed to these individuals and organizations on February 11, 2022, with the intent of requesting information, opinions, or concerns relating to the proposed project.

Following the February 11, 2022, letters, Dudek received responses from the Jamul Indian Village, the Rincon Band, and the Pasqual Band of Mission Indians, and these responses were forwarded to the City. An email was received on February 22, 2022, from Ms. Lisa K. Cumper, the Tribal Historic Preservation Officer for the Jamul Indian Village. Ms. Cumper stated the project APE is sensitive for Kumeyaay cultural resources. Additionally, a response was received from the Rincon Band on March 1, 2022, stating that the project site has cultural significance or ties to the Kumeyaay nation and recommending a tribal monitor be present to accompany any archaeologists. A response from the San Pasqual Band of Mission Indians was received on March 15, 2022, stating they would like to have a voice in developing measures to protect cultural resources and access to cultural resource reports. A record of the NAHC Sacred Lands File search and tribal outreach is included in Appendix B.

The City initiated the formal tribal consultation process for the purposes of AB 52 for the proposed project on March 10, 2025, to present a finalized version of the proposed project, including the Manchester Avenue culvert outfall component, to the California Native American tribes provided by the NAHC that are traditionally and culturally affiliated with the project area. Those tribes were notified in writing via mail and email for the opportunity to consult with the City regarding the proposed project. The Pala Band, San Luis Rey Band, and Rincon Band Tribes responded within 30 days and requested consultation. The City has conducted consultation with the Pala Band, San Luis Rey Band, and Rincon Band.

Consultation meetings were held with the Pala Band on March 18, 2025, and with the San Luis Rey Band on May 20, 2025, which included discussion of mitigation measures to avoid and minimize the impacts to cultural and tribal cultural resources.

An email was received on April 10, 2025, from Ms. Cheryl Madrigal, the Tribal Historic Preservation Officer for the Rincon Band. Ms. Madrigal requested the development of a Controlled Excavation Protocol in full collaboration with the Rincon Band and provided mitigation measures. Additionally, they requested discussing environmentally sensitive area fencing. Further, they requested a long-term preservation plan to develop a rehabilitation program after the proposed project for future maintenance and management of the larger Traditional Cultural Property/Traditional Cultural Landscape in order to define in detail the responsibilities of each signatory regarding preservation of the cultural resources affected by project development. Lastly, they requested KMZ files of project impact areas to identify potential temporary fence areas. In response, KMZ files of project impact areas were emailed to the Rincon Band on May 28, 2025.

Further, draft mitigation measures for the proposed project were emailed to the Pala Band, San Luis Rey Band, and Rincon Band on May 28, 2025. On June 10, 2025, and June 18, 2025, the City sent follow up emails to all three consulting tribes, which included a request for a response by June 26, 2025, if further consultation with the City was desired, otherwise consultation would be considered concluded. No responses were received, and consultations were closed on July 14, 2025.

As a result of grading and trenching required for the proposed pipe replacement, the proposed project could result in substantial adverse changes in the significance of a TCR (site, feature, place, cultural landscape, sacred place, or object) with cultural value to a California Native American tribe. Based on information provided by the tribes, no known TCRs have been identified that would be impacted by the proposed project, although the area is considered to have the potential to contain unanticipated TCRs. Therefore, since ground-disturbing construction activities have the potential to impact previously unknown TCRs, implementation of **MM-CUL-1** through **MM-CUL-10,** previously outlined under Section 3.5 above, would ensure impacts to TCRs would be **less than significant with mitigation incorporated.**

## 3.19 Utilities and Service Systems

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XIX. UTILITIES AND SERVICE SYSTEMS** – Would the project: | | | | |
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | ☐ | ☐ | ☒ | ☐ |
| b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? | ☐ | ☐ | ☒ | ☐ |
| c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☐ | ☒ |
| d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? | ☐ | ☐ | ☒ | ☐ |
| e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? | ☐ | ☐ | ☒ | ☐ |

***a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?***

The proposed project would remove and replace approximately 2,000 linear feet of existing 48-inch-diameter CMP and associated appurtenances from the curb inlet along Lake Drive west through the canyon to I-5. The proposed project would also construct a new detention basin at the Lake Drive project site to reduce storm flow velocities and flooding and would include long-term maintenance (i.e., removal of accumulated sediment) at the existing culvert outfall south of Manchester Avenue to facilitate flows into the San Elijo Lagoon and prevent threats to public health and safety. The existing CMP would be replaced with new pipes and appurtenances of similar size. The new storm drain would generally follow the same alignment to preserve existing hydraulic conditions and minimize site disturbances as much as possible. The purpose of the project is to replace an existing storm drainage pipeline, which was determined to be severely undersized, to convey 100-year stormwater flows of 262 cubic feet per second entering at the curb inlet along Lake Drive (Appendix D). The potential for significant environmental effects associated with construction and operational activities to replace the existing pipeline has been analyzed throughout this MND, and all potentially significant environmental effects related to biological resources, cultural resources, geology and soils, GHG emissions, and TCRs resulting from the proposed storm drain replacement were determined to be less than significant with the implementation of mitigation measures. The proposed project would not require construction of new or expanded water, wastewater, electric power, natural gas, or telecommunication facilities. Therefore, impacts would be **less than significant.**

*b)* ***Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?***

The proposed project would require a minimal amount of water use for construction-related dust suppression and earthwork activities. Project operation would not require water supplies. Because anticipated water usage at the project site would be related to short-term construction activities, impacts to water supplies are determined to be **less than significant**.

*c)* ***Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?***

The proposed project would not result in the need for new or expanded wastewater facilities because the proposed project does not include any residential or commercial uses that would require wastewater conveyance and treatment. The proposed project would not interfere with any wastewater treatment provider's service capacity. Therefore, **no impact** would occur.

*d)* ***Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?***

Solid waste associated with implementation of the proposed project would be primarily generated by construction activities. Waste during construction would primarily consist of grading materials and demolition debris from the existing pipeline. Demolished materials would be disposed of at Miramar Landfill. Considering the size of the disturbed area and construction being temporary, the amount of waste generated from construction is anticipated to be minimal. All sediment associated with the maintenance of the existing culvert outfall off Manchester Avenue would be exported to an approved dump site. The proposed project would be required to comply with all applicable federal, state, and local regulations related to solid waste. Once construction is complete, no solid waste would be generated from the project site. Because construction of the proposed project is not expected to generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure or otherwise impair the attainment of solid waste reduction goals, impacts would be **less than significant.**

e) ***Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?***

Please refer to the response to Threshold (d) above.

## 3.20 Wildfire

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XX. WILDFIRE** – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project: | | | | |
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☒ | ☐ |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | ☐ | ☐ | ☒ | ☐ |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | ☐ | ☐ | ☒ | ☐ |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | ☐ | ☐ | ☒ | ☐ |

a) ***Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?***

The proposed project includes replacement of an existing pipeline, construction of a detention basin, and long-term maintenance of an existing culvert outfall, which would not affect emergency response or evacuation plans. During project construction, equipment would be staged on site and would not interfere with the City’s emergency evacuation plans. Considering the nature of the proposed project, impacts would be **less than significant.**

b) ***Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?***

According to the California Department of Forestry and Fire Protection's Fire Hazard Severity Zones in local responsibility areas, the Lake Drive and Manchester Avenue project sites are in a designated Very High Fire Hazard Severity Zone (CAL FIRE 2025). Proposed project activities are not expected to exacerbate wildfire risks. During construction activities, a portion of the site would be cleared to remove existing vegetation in order to remove and replace the storm drain pipeline. There is always the potential of ignition from construction due to heat or sparks from construction equipment, vehicles, and the use of flammable hazardous materials, which have the potential to ignite adjacent vegetation, especially during weather events that include low humidity and high wind speed. However, given the nature of the proposed project, it would not increase or exacerbate the existing wildfire risk compared to what currently exists at the project site. Project operation would be limited to as-needed maintenance activities, which would not increase the wildfire risks at the project site. Furthermore, the proposed project does not involve any habitable structures that could be impacted by potential fires on site. Therefore, impacts would be **less than significant.**

c) ***Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?***

The proposed project only includes the replacement of the existing pipeline, construction of a new detention basin, and maintenance of an existing culvert outfall and would not include the installation of any new roads, fuel breaks, power lines, or other utilities that would exacerbate fire risk. The proposed project's long-term maintenance would be minimal and would not include any activities that could exacerbate the risk of wildfire. The existing 20-foot-wide road easement off Lake Drive would provide access to the basin during future maintenance operations, and pipeline access would be provided by the 25-foot-wide access road drainage easement along the length of the pipeline. Given the nature of the proposed project, it would not increase or exacerbate the existing wildfire risk compared to what currently exists at the project site. Therefore, impacts would be **less than significant.**

d) ***Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?***

The proposed project would not include permanent on-site occupants or structures that would be affected by downslope or downstream flooding or landslides in the event of post-fire conditions. Considering the nature of the proposed project, impacts would be **less than significant.**

# 3.21 Mandatory Findings of Significance

| | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XXI. MANDATORY FINDINGS OF SIGNIFICANCE** | | | | |
| a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☒ | ☐ | ☐ |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | ☐ | ☐ | ☒ | ☐ |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☒ | ☐ |

a) ***Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?***

As discussed in Section 3.4, based on compliance with the MHCP Adjacency Guidelines, the MBTA, and all other applicable regulations required for habitat and species protection, as well as mitigation measures **MM-BIO-1** through **MM-BIO-12**, the proposed project would not result in significant impacts to biological resources. In addition, based on compliance with the various state and federal regulations that govern the treatment of cultural resources and implementation of **MM-CUL-1** and **MM-GEO-3**, impacts to archaeological resources, TCRs, and paleontological resources would be less than significant. Therefore, impacts would be **less than significant with mitigation incorporated.**

*b)* ***Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)***

As addressed throughout this document, the proposed project would have either no impact, a less-than-significant impact, or a less-than-significant impact with mitigation incorporated with respect to all environmental impact areas. Cumulative impacts of several resource areas have been addressed in individual resource sections, including Section 3.3, Air Quality, and Section 3.8, Greenhouse Gas Emissions, which concluded that cumulative impacts would be **less than significant.**

Given the nature of the proposed project, potential cumulative impacts could occur during the temporary construction work if other nearby projects occur in the same timeframe. However, given the small scale and low-impact nature of the proposed project, the potential for the proposed project to contribute to a cumulative impact when combined with another past, present, and reasonably foreseeable project is unlikely. Additionally, during operations, the proposed project would generate minimal traffic trips for annual maintenance and, in turn, would generate minimal criteria air pollutant emissions, GHG emissions, and noise. In many instances, site-specific conditions and features on the project sites would not combine to create cumulative impacts with other projects occurring elsewhere in Encinitas. Therefore, the proposed project would not have the potential to contribute to an existing cumulative impact.

Moreover, no other resource area analyzed as part of this MND would substantially increase when construction or operation of the proposed project is considered in combination with cumulative projects identified in the vicinity. Therefore, operational impacts associated with these combined projects would be negligible. Furthermore, the proposed project, as with potential cumulative projects, would incorporate mitigation measures to reduce impacts and would be required to comply with applicable City and state plans and policies.

Other resource areas, including aesthetics, agricultural and forestry resources, energy, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, utilities and services systems, and wildfire, were determined to have a less-than-significant impact or no impact relative to existing conditions; thus, the proposed project would not contribute to cumulative impacts related to these environmental topics. Other issue areas (biological resources, cultural resources, geology and soils, and tribal cultural resources) are, by their nature, project- and/or site-specific, and impacts at one location do not add to impacts at other locations or create additive impacts.

Related to biological resources, the proposed project would replace an existing storm drain at the Lake Drive project site and remove sediment below an existing culvert outfall along Manchester Avenue and would not promote additional future development or contribute to additional future habitat losses in any way. Permanent impacts at the Lake Drive project site would be mitigated, and all temporary impacts would be restored to pre-project conditions. Sediment removal at the Manchester Avenue project site would result in a higher functioning channel (e.g., flood storage, slow flows, capture sediment) providing a net benefit (i.e., water quality protection) to downstream aquatic resources associated with the San Elijo Lagoon. Both sites would remain as open space areas after project implementation, and the overall function and value of the sites would fully recover upon completion of the maintenance/repair activities (i.e., water would continue to flow into the new underground storm drain from the surrounding features, which ultimately flows into San Elijo Lagoon). Implementation of the proposed project's mitigation and avoidance/minimization measures **MM-BIO-1** through **MM-BIO-12** would avoid or reduce all impacts to biological resources to less than significant. In addition, as described in Section 4.5 of Appendix A to this MND, this project is consistent with the City's MHCP, a regional planning document designed to address cumulative impacts to biological resources.

For all resource areas analyzed, project impacts would be reduced to less-than-significant levels, which would, in turn, reduce the potential for these impacts to be considered an additive to an existing cumulative impact. For these reasons, impacts would be **less than significant.**

*c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

As evaluated throughout this document, with the incorporation of mitigation, potential environmental impacts associated with the proposed project would be reduced to less-than-significant levels. Therefore, with mitigation incorporated, the proposed project would not directly or indirectly cause substantial adverse effects on human beings, and impacts would be **less than significant.**

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## 4.2 List of Preparers

### City of Encinitas

Ben Stryker – Engineer II
Esteban Danna – Senior Planner
Todd Mierau – Coastal Zone Program Administrator

### Dudek

Alexandra Howard – Environmental Planner/Project Manager
Megan Enright – Senior Biologist
Danielle Mullen – Biologist

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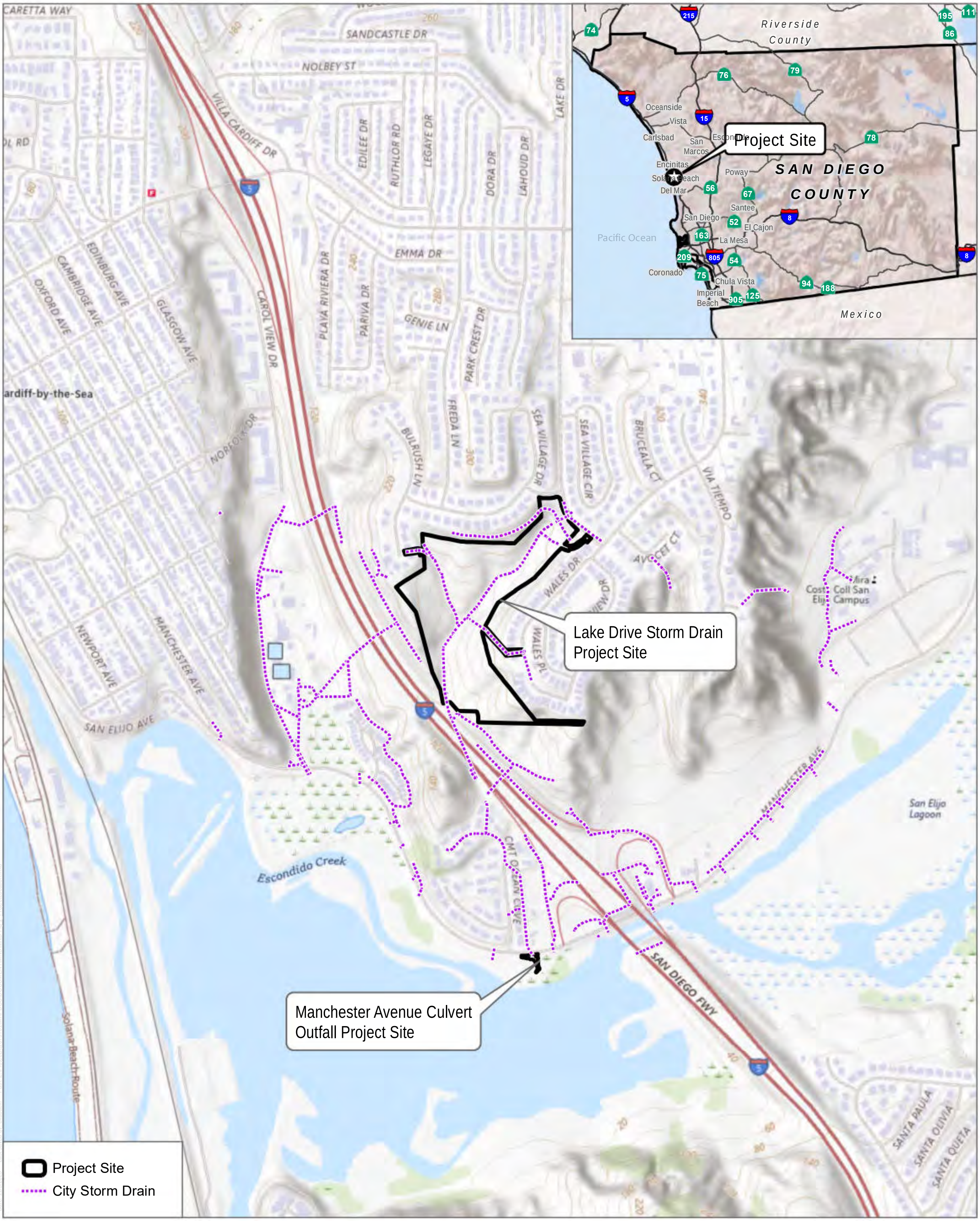


SOURCE: USGS 7.5-Minute Series Encinitas Quadrangle
Township 13S / Range 4W / Section 26

DUDEK

0 500 1,000 Feet

FIGURE 1
Project Location

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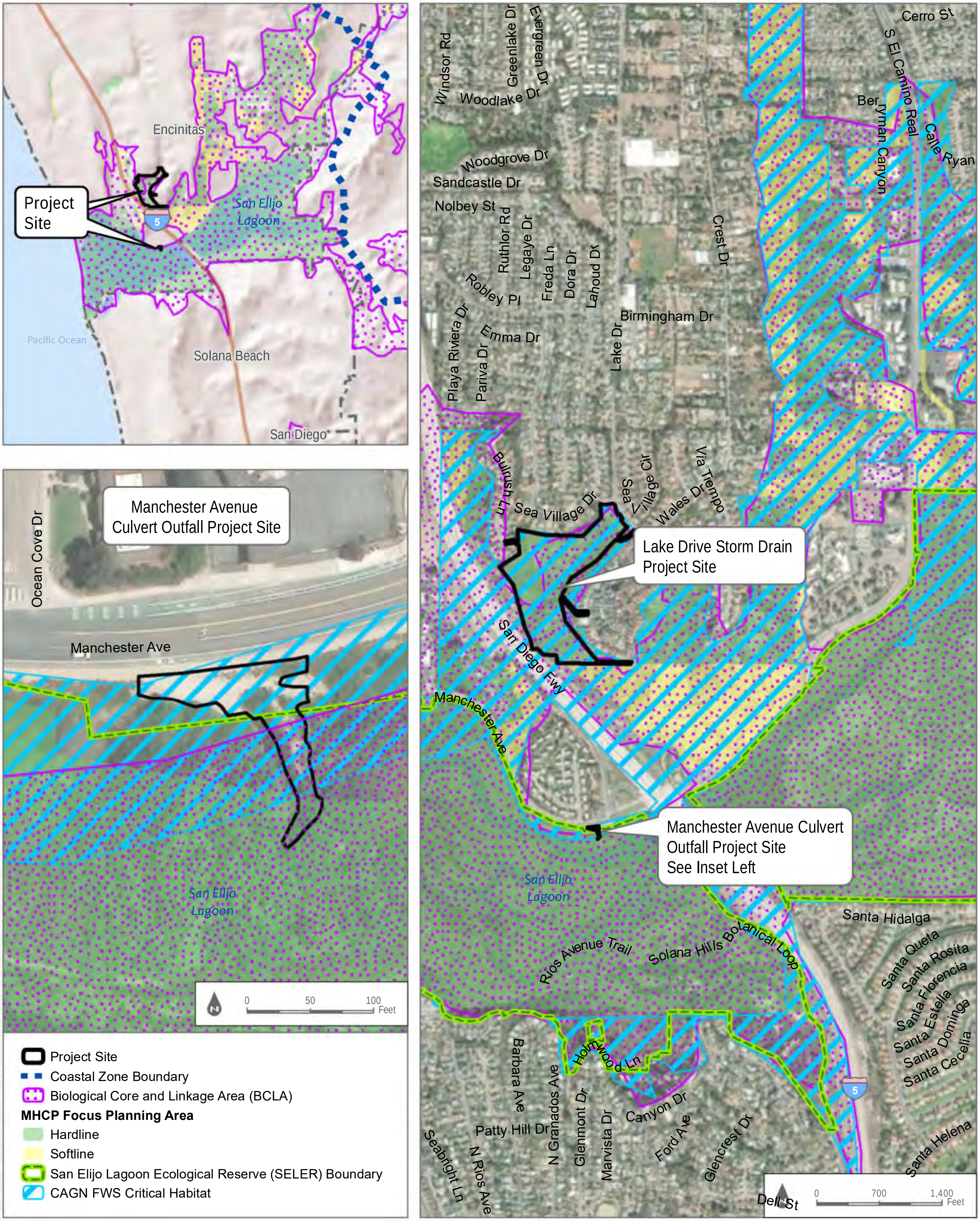


SOURCE: ESRI IMAGERY SERVICE 2025; USFWS 2023

FIGURE 2

Project Setting

Mitigated Negative Declaration for the Lake Drive Storm Drain and Manchester Avenue Culvert Outfall Project

DUDEK

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SOURCE: ESRI 2023; NV5 2024

DUDEK

0 80 160 Feet

FIGURE 3

Lake Drive Project Site Plan

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SOURCE: AERIAL-ESRI 2023

FIGURE 4
Manchester Avenue Project Site Plan

DUDEK

0 15 30 Feet

Mitigated Negative Declaration for the Lake Drive Storm Drain and Manchester Avenue Culvert Outfall Project

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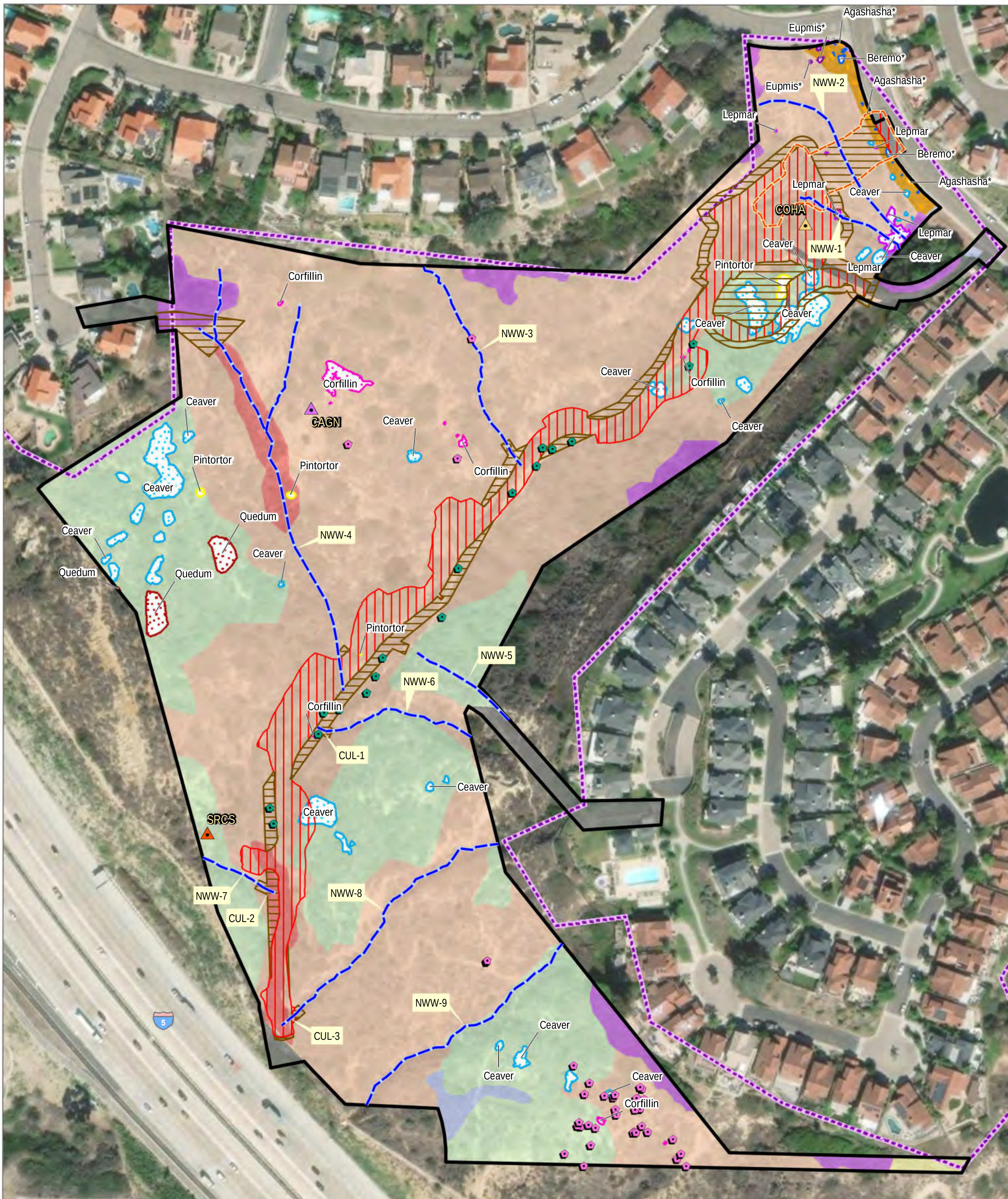


Project Site
2023 Emergency Work Area
CAGN USFWS Critical Habitat

**Impact Type**

Permanent
Temporary

**Vegetation Communities/Land Covers**

CSS-r, Restored/landscaped Diegan Coastal Sage Scrub
CSSB, Diegan Coastal Sage Scrub: Baccharis-dominated
CSSC, Diegan Coastal Sage Scrub: Coastal form
DEV, Urban/Developed
DH, Disturbed Habitat
EUC, Eucalyptus Woodland
NNG, Non-Native Grassland
SMC, Southern Maritime Chaparral

**Jurisdictional Waters**

RWQCB/CDFW

**Plants**

Agashasha (*Agave shawii var. shawii* - Shaw's agave)*
Beremo (*Bergerocactus emoryi* - golden-spined cereus)*
Ceaver (*Ceanothus verrucosus* - wart-stemmed ceanothus)
Corfillin (*Corethrogyne filaginifolia var. linifolia* - Del Mar sand aster)
Eupmis (*Euphorbia misera* - cliff spurge)*
Lepmar (*Leptosyne maritima* - sea dahlia)
Pintortor (*Pinus torreyana ssp. torreyana* - Torrey pine)
Quedum (*Quercus dumosa* - Nuttall's scrub oak)
Fervir (*Ferocactus viridescens* - San Diego barrel cactus)
Geotub (*Geothallus tuberosus* - Campbell's liverwort)

**Wildlife**

CAGN, coastal California gnatcatcher (*Polioptila californica californica*)
COHA, Cooper's hawk (*Accipiter cooperii*)
SRCS, Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*)

**Notes:**

1. NWW = non-wetland water
2. CUL = culvert
3. * planted

SOURCE: ESRI 2023; NV5 2024

DUDEK

0 80 160 Feet

FIGURE 5

Impacts to Biological Resources at the Lake Drive Project Site

Mitigated Negative Declaration for the Lake Drive Storm Drain and Manchester Avenue Culvert Outfall Project

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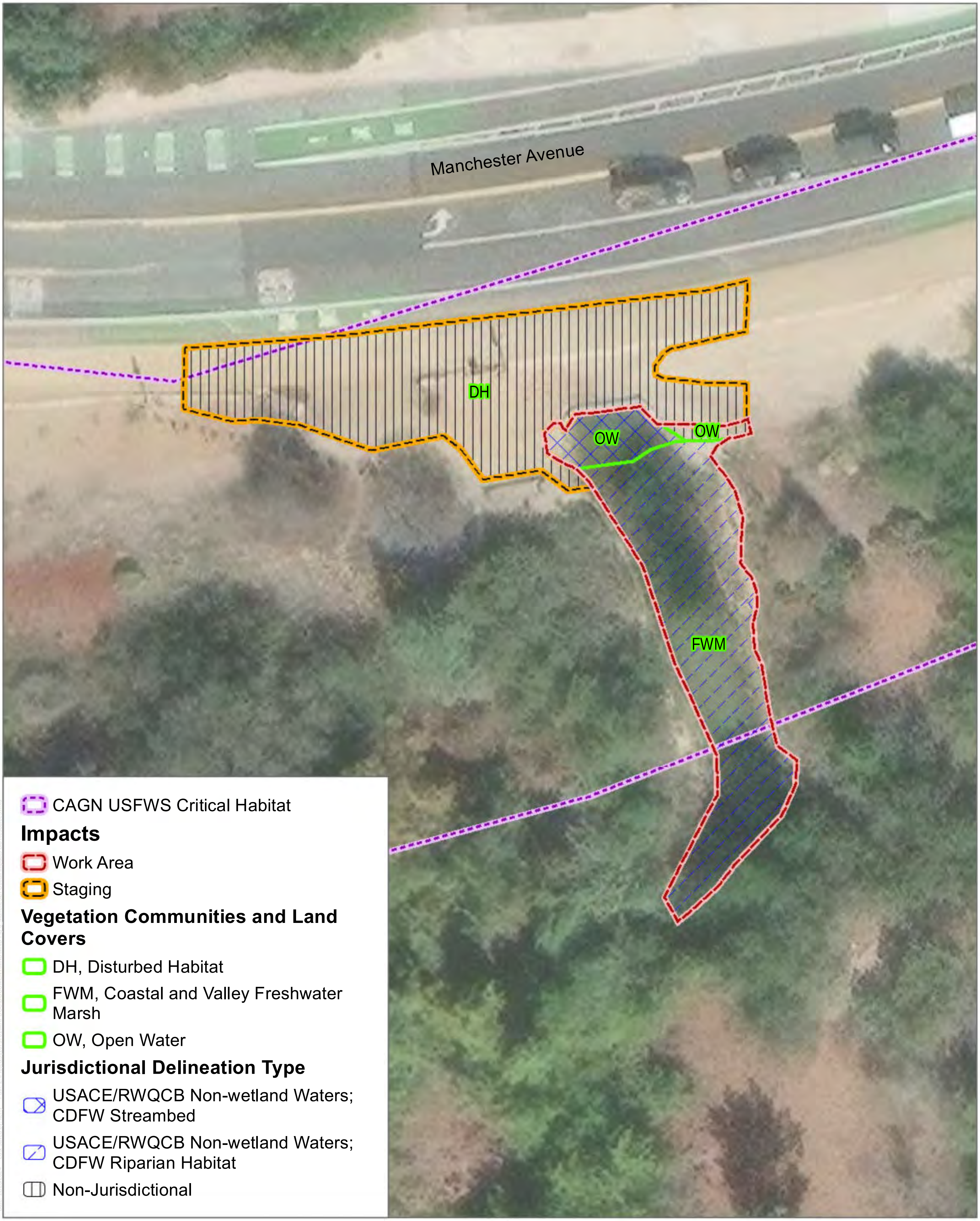


SOURCE: AERIAL-ESRI 2023

DUDEK

0 15 30 Feet

FIGURE 6

Impacts to Biological Resources at the Manchester Avenue Project Site

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# Appendix A
Biological Technical Report

# Appendix B
Cultural Resources Inventory and Evaluation Report

# Appendix C
## Geotechnical Investigation

# Appendix D

Draft Drainage Report