

**REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH
ORDINANCES/POLICIES**

**FOR PURPOSES OF CONSIDERATION OF
TM 5427RPL², R05-026, S05-026, S05-027, S05-050, LOG NO. 05-02-013**

January 17, 2008

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES

NO

NOT APPLICABLE/EXEMPT

Discussion:

The proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, but the project site and locations of off-site improvements do contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Never the less, the project was found to be exempt from the Habitat Loss Permit Ordinance based on Section 86.105c. That is, the project will be required to obtain take authorization pursuant to Section 7 of the Federal Endangered Species Act. This is due to the fact that the site is designated critical habitat and there is a federal nexus.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES

NO

NOT APPLICABLE/EXEMPT

Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES

NO

NOT APPLICABLE/EXEMPT

Discussion:

The project will obtain its water supply from the Rainbow Municipal Water District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The Steep Slope section (Section 86.604(e)?)	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

Wetland and Wetland Buffers: The RPO wetland and a 50-foot wetland buffer will be preserved within a biological open space easement. Even though wetlands and/or wetland buffer areas were identified on the project, the project was found to be consistent with Sections 86.604(a) and (b) of the Resource Protection Ordinance, due to the following reasons: a) the project will not place any non-permitted uses within wetlands; b) the project will not allow grading, filling, construction, or placement of structures within identified wetlands; and c) the project will not allow any non-permitted uses within wetland buffer areas.

Floodways and Floodplain Fringe: This project is located in or near the San Luis Rey Floodway and Floodplain, but it proposes no building or other significant impact within the Floodway and Floodplain.

Steep Slopes: There are steep slopes on the property, but a biological open space easement is proposed over Parcel 2, which includes all steep slope lands on the subject property. A biological open space easement is more restrictive than a steep slope easement; therefore, the project is in conformance with the RPO. The average slope for the Parcel 1 is less than 15% percent gradient. Parcel 2 has an average slope exceeding 25 percent gradient. Slopes with a gradient of 25 percent or greater and 50

feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO).

Sensitive Habitats: Sensitive habitat lands were identified on the site as determined by the Biological Resources Report and biological resources map for the Lilac del Cielo property prepared by Affinis. However, the project will implement all feasible measures necessary to protect and preserve the sensitive habitat and will provide mitigation that is of equal or greater value to affected species. Therefore, the proposed project does comply with Section 86.604(f) of the Resource Protection Ordinance.

Significant Prehistoric and Historic Sites: The property was surveyed by a County of San Diego certified archaeologist/historian, Mary Robbins-Wade of Affinis on April 22, 2005 and that survey states that the property does not contain any previously identified archaeological/ historical sites.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES

NO

NOT APPLICABLE

Discussion:

A Storm Water Management Plan (Major SWMP) for VTM 5427 was prepared by Latitude 33 Planning and Engineering, Inc. DPLU received that plan on April 16, 2007; DPW reviewed and accepted that plan for CEQA level review purposes. The SWMP is a living document to be updated to reflect any changes to the SWMP during the project final plan review, construction and throughout the life of the project/in perpetuity.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES

NO

NOT APPLICABLE

Discussion:

Project construction will temporarily increase noise levels in the project vicinity, and the proposed residential development may be subject to traffic noise from Camino Del Cielo that exceeds the County's exterior/interior noise standards (i.e. in excess of the County General Plan or Noise Ordinance). To mitigate these and other noise impacts to acceptable levels, the project will include the following mitigation measures:

- **Construction noise:** A temporary construction noise barrier, built to a minimum height of 8 feet above grade, is required along the projects' eastern and southern boundaries to reduce noise levels at those boundaries to meet the County's 75 dBA

construction noise standard. The noise barrier will protect existing residences from construction noise that exceeds the County standard. It is also anticipated that construction equipment in excess of an average sound level of 75dB will only operate between the hours of 7:00 AM and 7:00 PM. These and other measures will ensure the project's conformance to the County of San Diego Noise Ordinance (Section 36.410).

- Traffic noise: No significant, project-related traffic noise will occur that impacts off-site land uses. However, traffic noise from Camino Del Cielo will create 60 dBA CNEL or greater levels of noise that impact condominium buildings located at the southeast corner of the project site. All noise sensitive land uses located within the 60 dBA CNEL contour line will be subject to a noise protection easement, which requires construction features that reduce interior and exterior noise to levels that conform to the County of San Diego General Plan Noise Element (4b.). Traffic noise within ground-level, outdoor patios located within the 60 dBA CNEL contour line will be mitigated by a 6-foot high perimeter block wall.
- Project noise: Noise impacts from the project to surrounding properties, primarily produced by HVAC units, will be mitigated by a 6-foot high perimeter wall along the condominium site boundary to a sound level that conforms to the County of San Diego Noise Ordinance (Section 36.404).

For further information, see the Noise Impact Analysis by LSA dated December 18, 2007. Also see biological mitigation sections for information on construction noise mitigations required during the breeding seasons for three endangered species found on the project site.