

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

**FOR PURPOSES OF CONSIDERATION OF
TM5499; ER 06-03-003; CLUB ESTATES**

September 25, 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

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

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

YES

NO

NOT APPLICABLE/EXEMPT

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

As identified within Section 67.722B of the San Diego County Groundwater Ordinance, it has been determined that groundwater resources are adequate to meet the groundwater demands of the project and thus, the project will not adversely impact groundwater availability. The project will obtain its water supply from the Rancho Pauma Mutual Water Company which relies on groundwater but also has access to imported water.

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

The wetland and wetland buffer regulations (Article IV, Sections 1 & 2) 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 (Article IV, Section 3) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The Steep Slope section (Article IV, Section 5)?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The Sensitive Habitat Lands section (Article IV, Section 6) 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 (Article IV, Section 7) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Wetland and Wetland Buffers:

Even though wetlands and/or wetland buffer areas have been identified on the project, the project has been found to be consistent with Article IV 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.

The project site contains federally protected wetlands defined by Section 404 of the Clean Water Act. The project will comply with Section 404 of the Clean Water Act because onsite wetlands as defined under Section 404 of the Clean Water Act will be completely preserved within a biological open space easement. No discharging into, directly removing, or hydrologically interrupting any federally protected wetlands will occur. Therefore, the project will have a less than significant impact to federally protected wetlands because this resource will be placed in a biological open space with a wetland buffer of at least 100 feet wide. Since the project will not impact federally protected wetlands, it will not contribute to cumulative impacts to these resources.

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

Steep Slopes: 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). There are no steep slopes on the property. The project is in conformance with the RPO.

Sensitive Habitats:

Sensitive habitat lands were identified on the site as determined on a site visit conducted by Christine Stevenson on June 30, 2006 and a Biological Resources Report (Vincent Scheidt, December 2007). However, the project will not complete any development, grading, grubbing, clearing, or any other activity that will damage the sensitive habitat lands. Therefore, it has been found that the proposed project complies with Article IV, Item 6 of the Resource Protection Ordinance.

Significant Prehistoric and Historic Sites: The property has been surveyed by a County of San Diego approved archaeologist, Brian Smith on June 1, 2005 (project area) and June 12, 2007 (off-site access road), and it has been determined that the property does not contain any archaeological/ historical sites. The results of the survey are provided in an historical resources report titled, "*An Archaeological Survey for the Club Estates Project Pauma Valley, County of San Diego, California*", prepared by Brian F. Smith and Seth A. Rosenberg with Brian F. Smith and Associates, dated June 13, 2007.

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

A Storm water Management Plan (Major SWMP) for TM 5499 was prepared by Szytel Engineering and Surveying, Inc., DPLU received 4/14/08, and was DPW reviewed and accepted for CEQA level review purposes. The SWMP is a living document to be updated to reflect any changes during the project final plan review and construction 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:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Staff has reviewed the Exterior Noise Analysis report dated March 28, 2008 prepared by Kimley-Horn and Associates. Project is a subdivision consisting of 31 residential lots. Project site is located along SR-76 which is considered the primary noise source. Existing orange trees are to remain as part of the project and are located between the

proposed trail and the building pads of Lots 1, 2, 3, 4, 5 and 6. Based on the noise report, noise attenuation from the existing orange trees was a key component in reducing noise levels at Lots 1, 2, 3, 4, 5 and 6. These existing trees are considered a 15-foot high tree zone and were factored into the noise model. With the incorporation of the existing orange trees, future traffic noise levels from vehicular traffic will exceed 60 dBA CNEL at the usable open space within portions of Lot 1 without mitigation. Noise calculations show that a future single-story residential structure on Lot 1 is adequate to reduce noise levels to 60 dBA CNEL and below at this specific lot therefore complying with the County exterior noise level requirement to noise sensitive land uses. The noise report also discussed the potential of noise levels exceeding 60 dBA CNEL at future residential building facades on Lots 1 and 2. Interior noise analysis demonstrating a noise level 45 dBA is required at the time building plans are available. Staff recommends a Noise Protection Easement dedication to the entire areas of Lots 1 and 2 to ensure compliance with the County interior noise standard. Therefore, incorporation of the existing site features consisting of the orange trees and the dedication of a noise protection easement will ensure that the project complies with the County noise standards pursuant to County Noise Element, Policy 4b.