

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

**FOR PURPOSES OF CONSIDERATION OF
TRAN MINOR RESIDENTIAL SUBDIVISION, TPM 20835RPL², LOG NO. 04-02-021**

October 23, 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:

While the proposed project and offsite improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any offsite 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

Discussion:

The proposed project and any offsite 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 (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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input 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"/>

Discussion:

Wetland and Wetland Buffers: The site contains southern willow scrub, which if disturbed would result in a significant impact. The entire area of southern willow scrub will be placed in an open space easement prior to issuance of improvement or grading plans or prior to recordation of the Parcel Map, whichever comes first. There will be no net loss of wetlands and therefore no significant impact will occur.

Floodways and Floodplain Fringe: There is a floodway/floodplain fringe on the project site and it had been dedicated to County of San Diego (County floodplain map). The project is not proposing to place structures with a potential for human occupation within these areas. The project is also meets all setback requirement from the floodway/floodplain fringe; therefore, the project complies with the floodway and floodplain Fringe section (Article IV, Section 3) of the Resource Protection Ordinance.

Steep Slopes: The average slope for the property is 13.1% 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). There are no steep slopes on the property. The project is in conformance with the RPO.

Sensitive Habitats: Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. No sensitive habitat lands were identified on the Tran property as determined on a site visit conducted by staff biologist Valerie Walsh on July 18, 2007. 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 certified archaeologist, Carolyn E. Kyle, with Kyle Consulting, and it has been determined that the property does not contain any archaeological or 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:

The document is substantially complete and complies with the WPO requirements for a Stormwater Management Plan.

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:

Staff reviewed the preliminary grading plans submitted June 2, 2004, for the Tran Tentative Parcel Map 20835. Staff normally requires a noise study for residential projects adjacent to Circulation Element roadways to determine if they can comply with the County Noise Element with an outdoor CNEL threshold of 60 decibels and an inside or interior threshold of 45 decibels (dBA) CNEL. The proposed tentative parcel map is adjacent to Gopher Canyon Road which is designated a Collector roadway. Preliminary estimates indicated that a noise study would be required because of a potential noise impact to Parcels 1, 3, and the Remainder. However, staff was requested to examine new traffic information and details from the project design including the location of the proposed residences. Staff performed a detailed analysis with the current grading plans and found a more precise location of the 60-dBA CNEL contour on this project site. Staff estimated that the 60 dBA CNEL contour was located 260 feet from the centerline of Gopher Canyon Road where no residential pads were proposed for this project. To expedite the processing of this project, staff has two options for the applicant. With no significant changes in pad locations, the first option is to accept the current staff evaluation and to allow placement of a Noise Protection Easement for any new residential development or noise sensitive applications within 260 feet of the centerline of Gopher Canyon Road (on Parcels 1, 3, and the Remainder). No further review or analysis would be required for this option because no proposed pads lie inside this area at this time. The second option is to provide the required noise study from a County-certified acoustical consultant in order to estimate the potential impact again and the

feasibility for mitigation of traffic noise for near-term and future buildout conditions subject to staff review and comment.

Staff notes that the estimated noise contour was based on an ADT of 14,000 (SANDAG, 2020) and the measured traffic mix for Gopher Canyon Road of 95.2/3.8/1 % (DPW, 2001).

On the Parcel Map the applicant shall:

Grant to the County of San Diego a Noise Protection Easement over a strip of land 260 feet from the centerline of Gopher Canyon Road on Parcels 1, 3, and the Remainder of Tentative Parcel Map 20835. This easement is for the mitigation of present and anticipated future excess noise levels on residential uses of the affected Parcels. The easement shall require:

Prior to the issuance of any building or grading permit for any residential use within the noise protection easement, the applicant shall:

- 1) Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County certified acoustical engineer, demonstrating that the present and anticipated future noise levels for the interior and exterior of the residential dwelling will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [exterior (60 dB CNEL), interior (45 dB CNEL)]. Future traffic noise level estimates for Gopher Canyon Road shall use a traffic flow equivalent to a Level of Service "C" traffic flow for a Collector road that is the designated General Plan Circulation Element buildout roadway classification.
- 2) Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans.