

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

**FOR PURPOSES OF CONSIDERATION OF
Wheeler Ridge, TM 5156**

January 10, 2006

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 any off-site improvements are located within the boundaries of the Multiple Species Conservation Program. 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 project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service per the Findings dated May 24, 2004. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed after the project has been approved by the County, the MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

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 Sweetwater Authority. A Service Availability Letter has been provided, indicating that adequate resources and entitlements are available to serve the requested water resources. Therefore, the project will have sufficient water supplies to serve the project.

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 <u>Steep Slope</u> 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 type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>

Discussion:

Wetland and Wetland Buffers:

The project site does not contain any wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year.

Floodways and Floodplain Fringe:

The project is not within the floodways, flood plain fringe as defined by the Resource Protection Ordinance.

Steep Slopes:

There are steep slopes on the property; however, they will not be placed in a steep slope open space easement because per the Biological Mitigation Ordinance, projects are allowed to utilize a design which may encroach into steep slopes to avoid impacts to habitat. The project is providing a biological open space easement which will preserve 100 percent of the thornmint population, 90 percent of the Otoy tarplant population, and 0.7 acres of Diegan coastal sage scrub. In addition, the findings for a waiver of an open space easement as outlined in Section 86.604 (e) (3) have been made:

- a. Surrounding properties have been developed on steep slopes such that this project would be considered "infill." The entire property is surrounded by existing single-family homes on lots averaging approximately one-half acre.
- b. The existing zoning for the subject property is RR2 (Rural Residential), with a minimum lot size of one-half acre.
- c. The greater encroachment into steep slopes is necessary to avoid impacts to sensitive habitat. This is consistent with the goals and objectives of the Sweetwater Community Plan which emphasize retaining plant habitats that occur naturally on-site to achieve the best representation of the original habitat and preserving rare and endangered species on-site.
- d. A Tentative Map has been filed with the County of San Diego and reviewed to ensure consistency with the findings for a waiver of an open space easement.

Sensitive Habitats:

The following sensitive habitat lands will be impacted by the project: (1) Otay tarplant (*Deinandra conjugens*) habitat; (2) Coastal sage scrub occupied by California gnatcatcher (*Polioptila californica californica*). The loss of Otay tarplant has been minimized and avoided by eliminating several lots and preserving 95% of the population on site in an open space easement protected by a six-foot masonry wall. The occupied coastal sage scrub will be mitigated in accordance with established BMO mitigation ratios with on site CSS and off site Tier II habitat within the MSCP, and direct take of gnatcatchers will be avoided by construction limitations. Because feasible mitigation measures providing an equal or greater benefit to the species have been provided, the project has been found to comply with Section 86.604, Item (g) of the Resource Protection Ordinance.

Significant Prehistoric and Historic Sites:

Based on an analysis of records and a survey of the property by a County of San Diego staff archaeologist, Donna Beddow on August 22, 2005, it has been determined that there are no impacts to historical resources because they do not occur within the project site.

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:

DPW has reviewed the Stormwater management Plan received by DPLU on February 12, 2004 and has accepted same.

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.

Transportation (traffic, railroad, aircraft) noise levels at the project site are not expected to exceed Community Noise Equivalent Level (CNEL)=60 decibels (dB) limit because review of the project indicates that the project is not in close proximity to a railroad and/or airport. Additionally, the County of San Diego GIS noise model does not indicate that the project would be subject to potential excessive noise levels from circulation element roads either now or at General Plan buildout.

Noise impacts to the proposed project from adjacent land uses are not expected to exceed the property line sound level limits of the County of San Diego Noise Ordinance.

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