



County of San Diego

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DIRECTOR

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KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

December 15, 2017

TO: Planning Commission

FROM: Mark Wardlaw, Director
Planning & Development Services

SUBJECT: Notice of Preliminary Decision of the Director of Planning & Development Services and Final Notice of Action of the Planning Commission Approving a One Year Time Extension for Orchard Run TM 5087 (District: 5)

TENTATIVE MAP TIME EXTENSION INFORMATIONAL ITEM G- 2

PURPOSE

The purpose of this informational report is to provide the Planning Commission notice of a decision of the Director to extend the period of time (Time Extension) for the Orchard Run Tentative Map (TM 5087) to allow completion of the Final Map. The Time Extension does not propose, nor does the applicant request, any changes or revision to TM 5087 or to the conditions in the Resolution of Approval.

The Director's decision will become final and effective unless the Planning Commission takes action to schedule the Time Extension for the Planning Commission's consideration at a noticed hearing. If the Planning Commission schedules the matter for a public hearing, the Planning Commission will be the decision-making authority for the Time Extension.

The applicant filed a request on March 22, 2017 for a one year Tentative Map Time Extension to allow more time to satisfy the conditions of approval to obtain the Final Map for the property, which includes the negotiation and execution of an affordable housing agreement with the County Department of Housing and Community Development. The applicant is working with Planning & Development Services (PDS) and Housing and Community Development to satisfy this condition.

TM 5087 is a phased Tentative Map with a total of three Final Map units designated as 5087-1 (Unit #1), 5087-2 (Unit #2) and 5087-3 (Unit #3). Two of the three Final Maps have been approved and recorded. The Director of PDS reviewed the application for a Time Extension with consideration to the following requirements: conformance with all Federal, State, and County regulations, including the County General Plan, Community Plans, Zoning Ordinance, and CEQA. No significant changes were found to density, zoning, or CEQA requirements. The Time Extension was found to comply with the originally certified CEQA document.

The project is required to comply with all updated requirements such as municipal separate storm sewer system (MS4) stormwater regulations. In addition, the Director of PDS reviewed the conditions of approval and justification from the subdivider including permit streamlining goals including the reduction of processing time and cost. Significant changes were not identified.

In accordance with the County of San Diego Subdivision Ordinance Section 81.317(c), the December 5, 2017 Notice of the Director's Preliminary Decision to Approve Tentative Map Time Extension PDS2017-TM-5087TE (Attachment B), has been issued and filed with the Planning Commission as an Administrative Item.

BACKGROUND

The Board of Supervisors approved TM 5087 to subdivide approximately 118.3 acres into 300 residential units, including 52 affordable units, 1.4 acres of community recreational area and 29 acres of dedicated biological open space located along Lilac Road and Betsworth Road in the Valley Center Community Plan Area on June 17, 1998, for three years, with an expiration date of June 17, 2001. On May 25, 2001, the Director of the Department of Planning and Land Use adopted the preliminary decision approving a Time Extension for TM 5087. On June 29, 2001 the San Diego County Planning Commission approved the five year Tentative Map Time Extension resulting in an expiration date of June 17, 2006.

On August 2, 2006, the County of San Diego Board of Supervisors (Board) approved the Final Map for TM 5087-1 (Unit #1). The filing of the Final Map extended the expiration of TM 5087 by 36-months to August 16, 2009. Senate Bill 1185 automatically extended the expiration date of TM 5087 to August 16, 2010. Assembly Bill 333 automatically extended TM 5087 to August 16, 2012. Assembly Bill 208 automatically extended TM 5087 to August 16, 2014. On June 15, 2011, the Board approved the Final Map for TM 5087-2 (Unit #2). The filing of the Final Map extended the expiration of TM 5087 by 36 months to August 16, 2017.

The applicant filed an application to extend TM 5087 on March 22, 2017. On March 22, 2017, as required by the County of San Diego Subdivision Ordinance, properties within 300 feet of the exterior boundaries of the project site were notified that the application for a TM Time Extension for TM 5087 was filed.

COMMUNITY PLANNING/SPONSOR GROUP AND PUBLIC INPUT

The Valley Center Community Planning Group (CPG) considered the Orchard Run Tentative Map Time Extension at their regular meeting on November 13, 2017. Discussion included circulation and road improvement requirements. The CPG recommended approval of the project with a vote of 11-3-0-1 (Ayes -11; Noes -3; Abstain -0; Vacant -1).

No written comments were received as a result of the public notification on March 22, 2017.

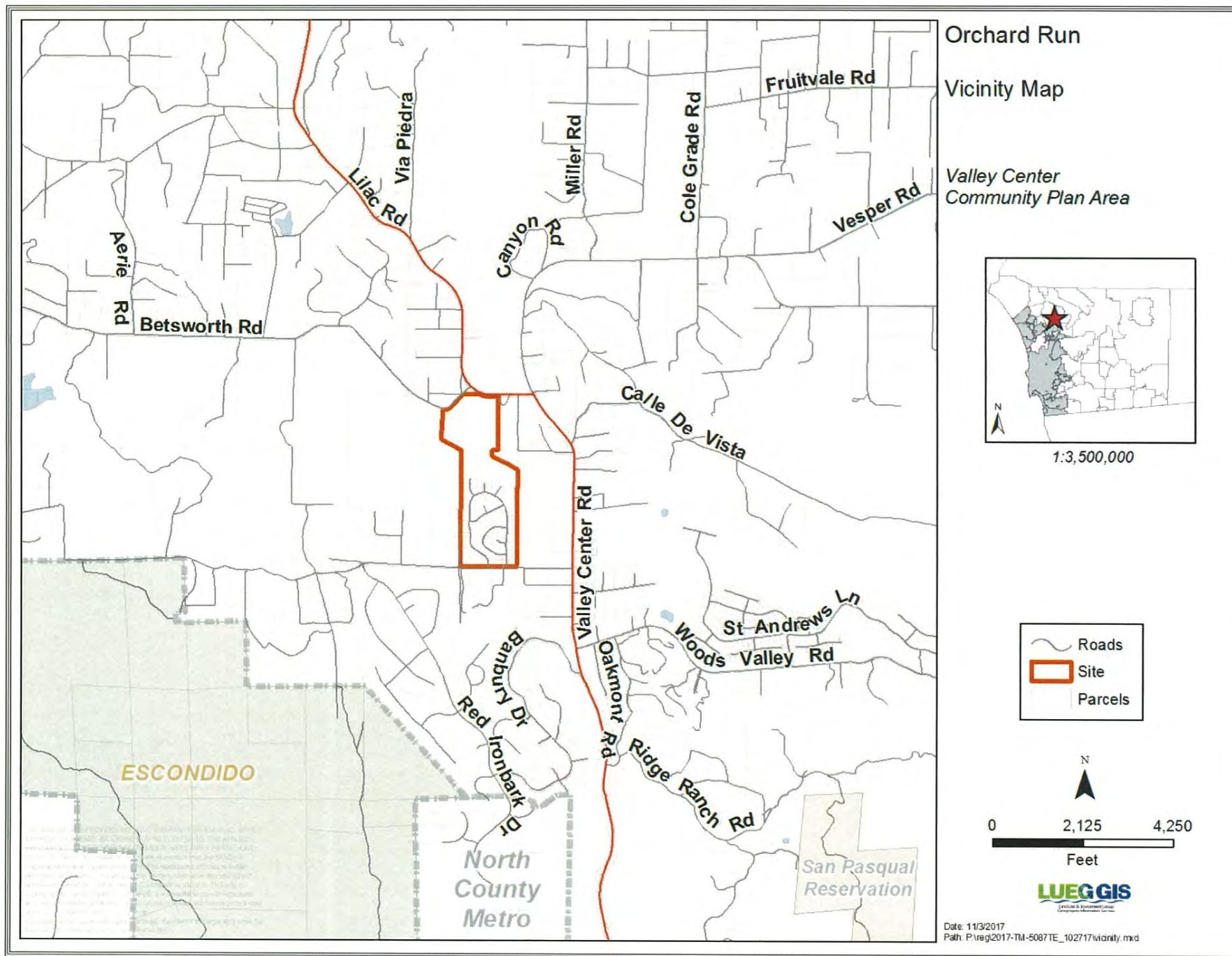
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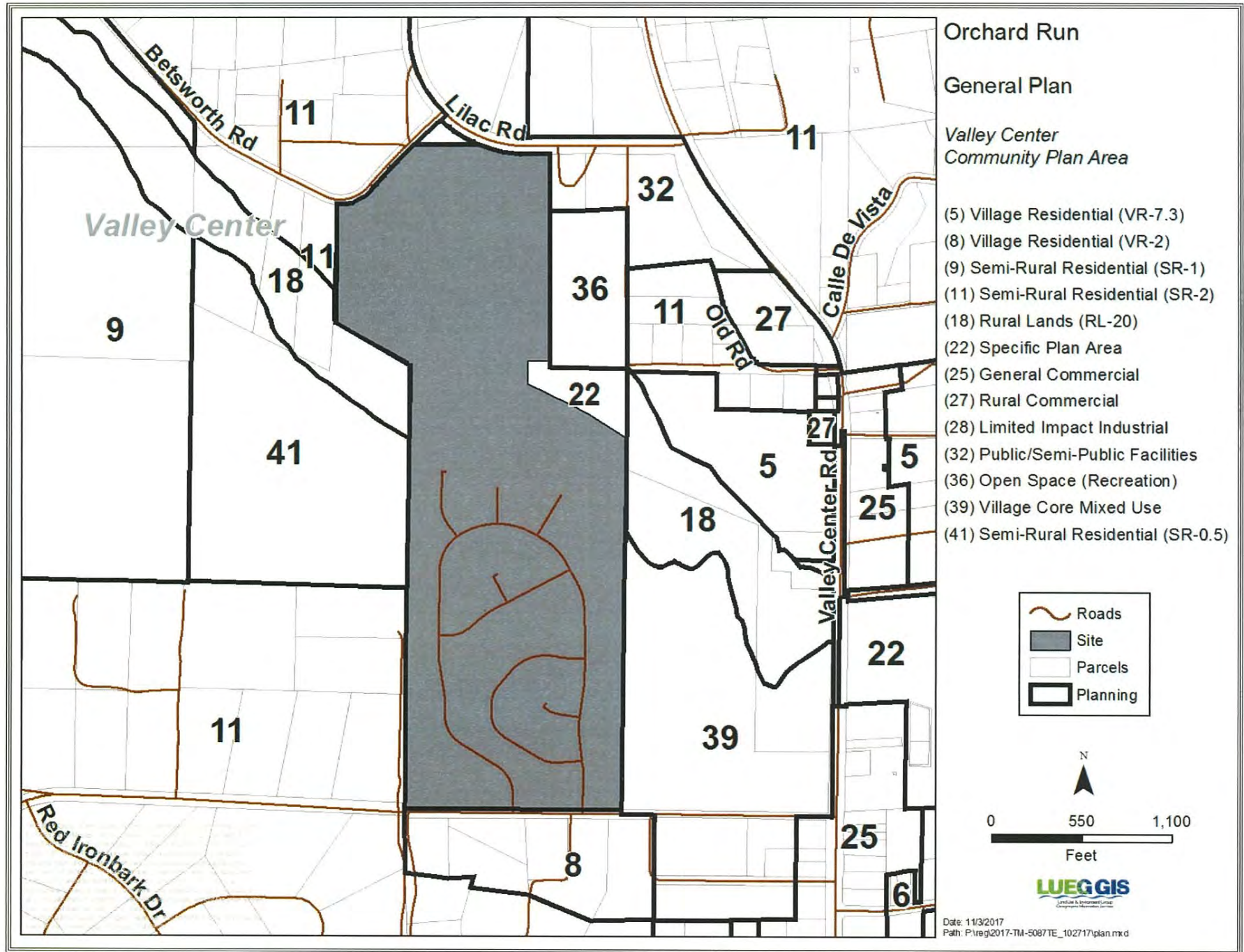
Attachment A – Planning Documentation and Original Resolution

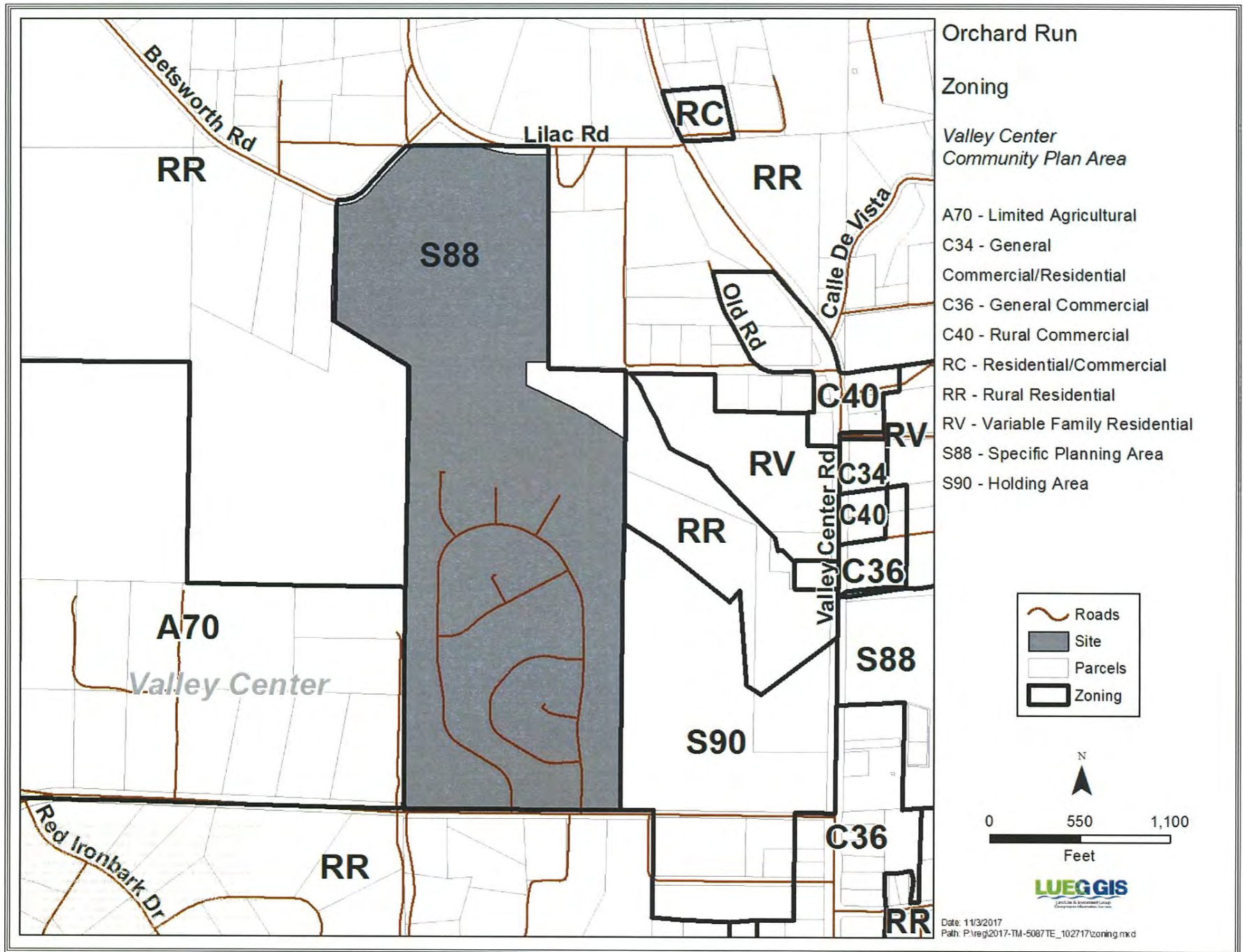
Attachment B – Notice of Preliminary Decision of the Director of Planning and Development Services and Final Notice of Action of the Planning Commission Approving a Time Extension for TM 5087

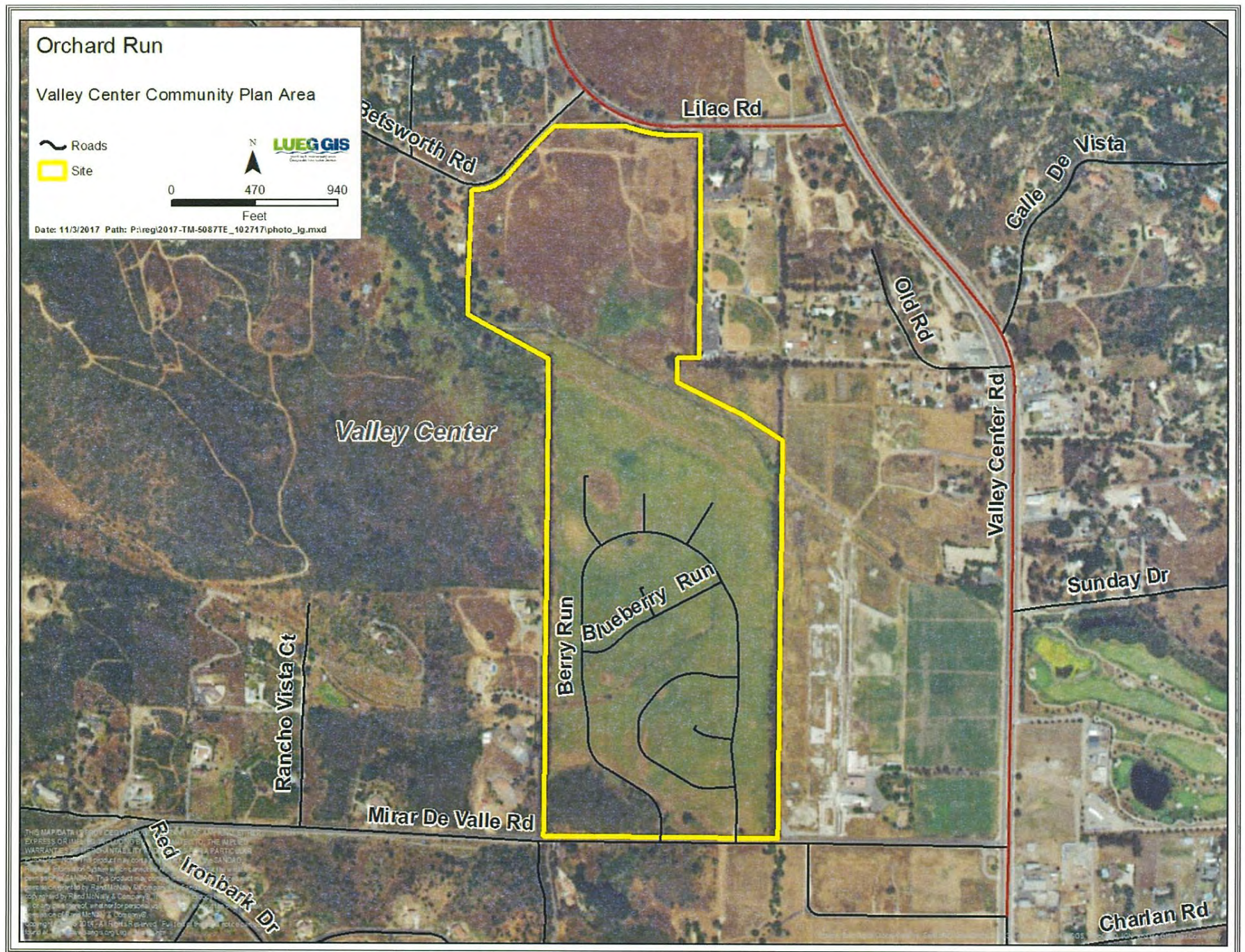
Attachment C – Environmental Documentation

**Attachment A – Planning Documentation
and Original Resolution**









Orchard Run

Valley Center Community Plan Area

~ Roads



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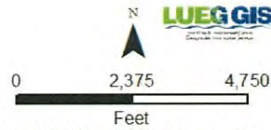


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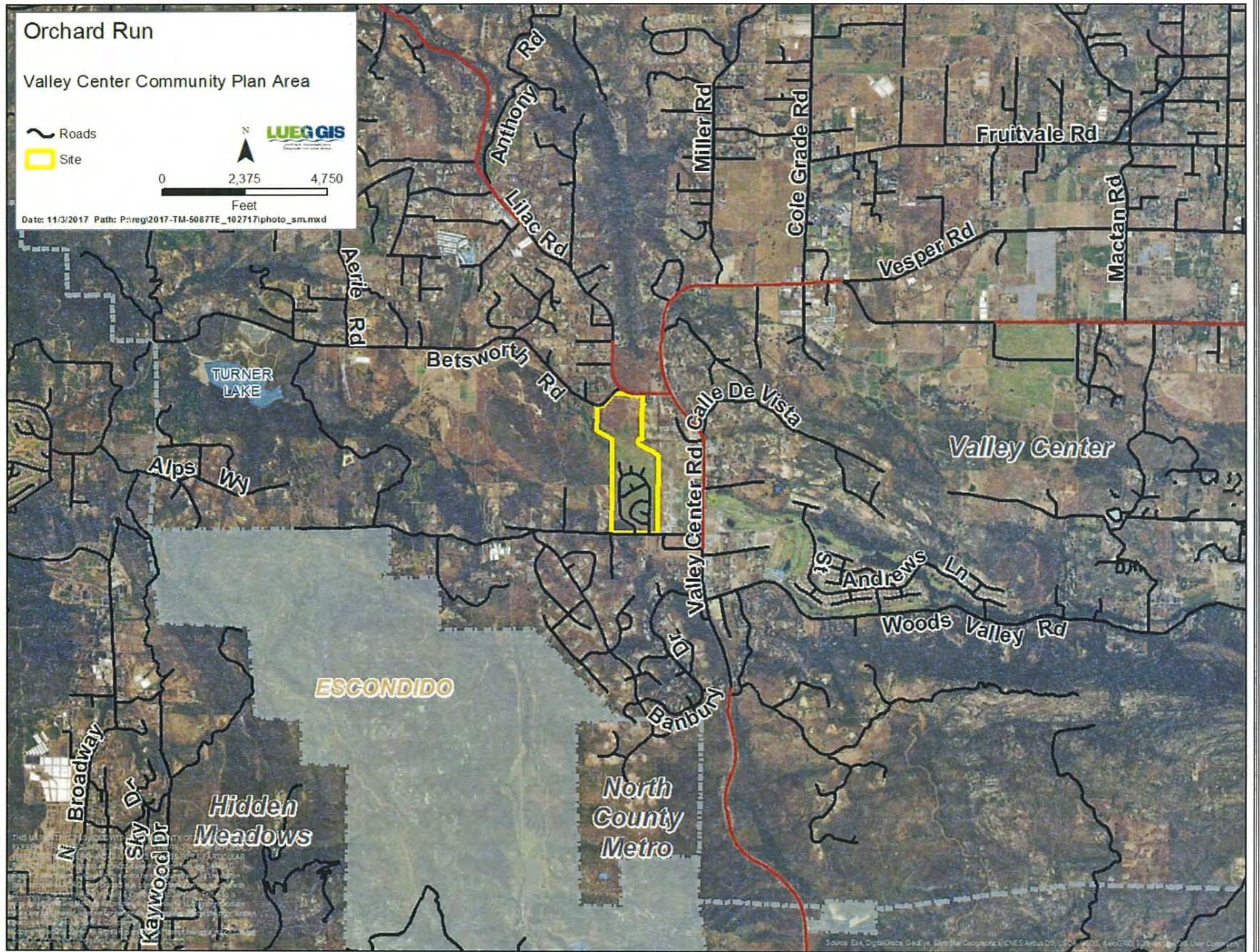
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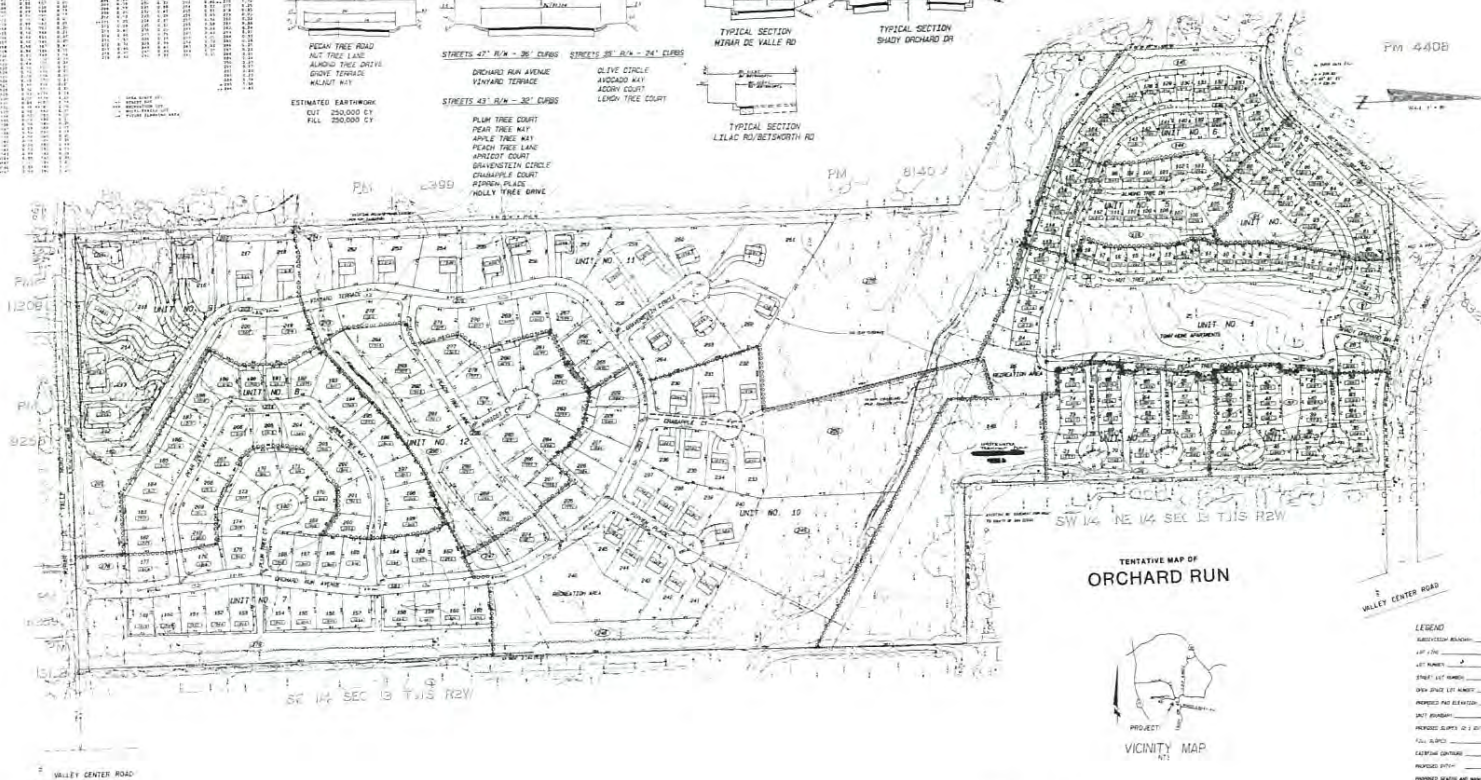
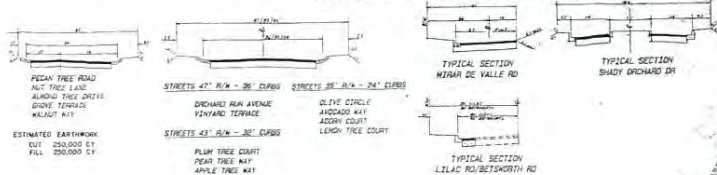
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COUNTY OF SAN DIEGO TRACT 5087 RP1



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 4. **PHONE** (Area code, number) _____
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STANDARD INFORMATION

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TENTATIVE MAP NO. _____

LEGAL DESCRIPTION

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BERNARDINO COUNTY, IN THE COUNTY OF SAN JUAN, STATE
OF CALIFORNIA, ACCORDING TO DEED PLAT NUMBER

OWNER/DEVELOPER
JOHN & BLANCK SPANGLER PROPERTY TRUST
640 "A" STREET SUITE 101
SAN DIEGO, CA 92101
TELEPHONE (619) 231-1821

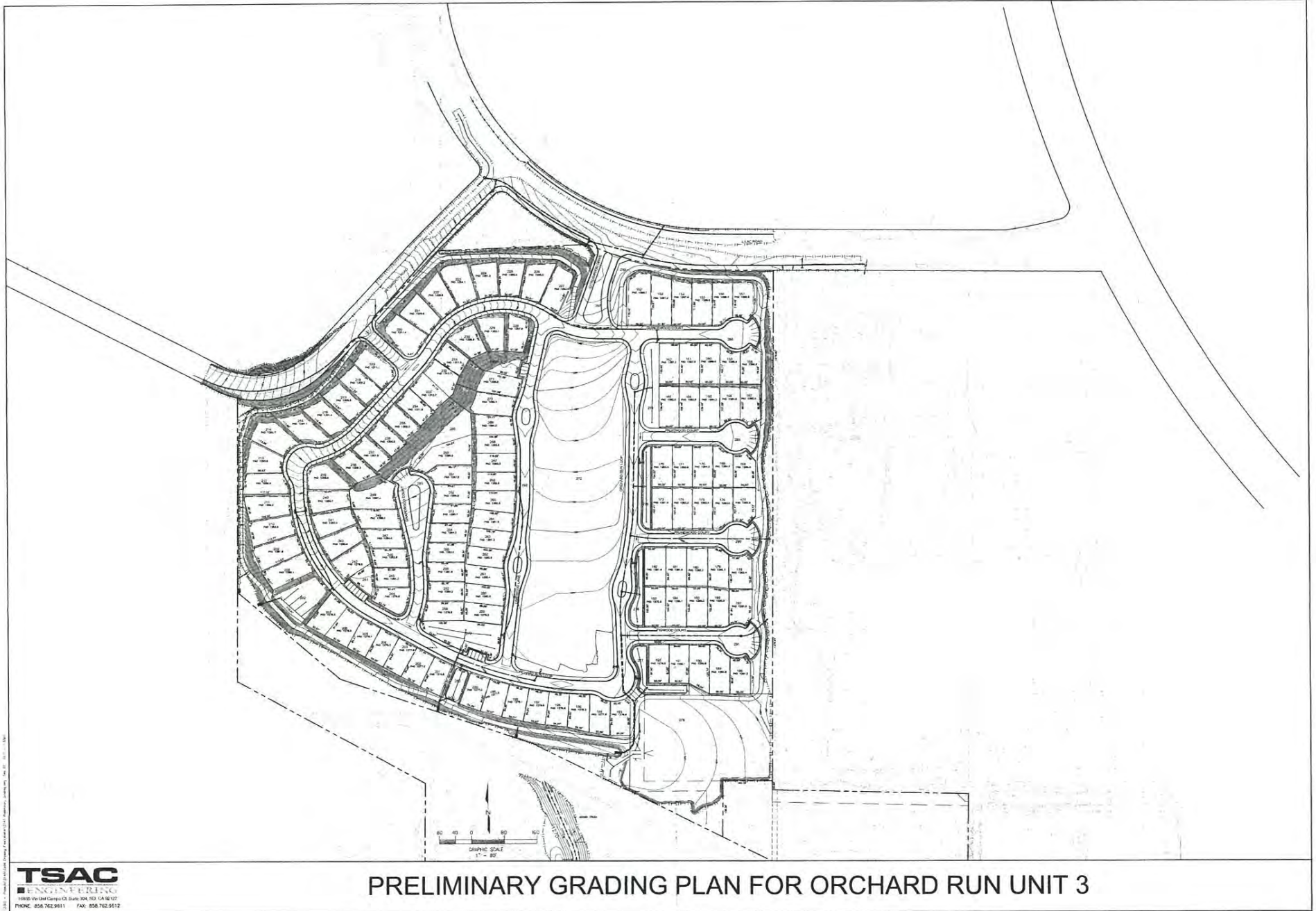
ENGINEER OF WORK

ALCO ENGINEERING
3054 S. GARDEN STREET
SAN DIEGO, CA 92108
TEL: 619 264-3524

DATE: 7-28-84

SDC PDS RCVD 03-22-17
TM5087TE

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No. 98-151

WEDNESDAY, JUNE 17, 1998

RESOLUTION OF THE SAN DIEGO)
COUNTY BOARD OF SUPERVISORS)
APPROVING SPECIFIC PLAN SP 95-004)
ORCHARD RUN)

ON MOTION of Supervisor Horn, seconded by Supervisor Roberts, the following Resolution is adopted:

WHEREAS, the John A. Belanich Separate Property Trust (hereinafter referred to as the "applicant") submitted an application for the Orchard Run Specific Plan (SP 95-004) on December 22, 1995 for consideration by the Planning Commission and Board of Supervisors, pursuant to Board of Supervisors' Policy I-59, Large Scale Project Review; and

WHEREAS, a Specific Plan known as Orchard Run has been prepared for an area comprising 118.3 acres located approximately 1,250 feet west of Valley Center Road, with portions of the northern boundary of the site adjoining Betsworth and Lilac Roads; the southern boundary of the site abuts Mirar de Valle; and

WHEREAS, said Specific Plan is based upon the Valley Center Community Plan, as adopted by the Board of Supervisors, which designates the site as a (21) Specific Plan Area (with a permitted density of 7.3 dwelling units per acre in the northern portion of the site and 1.5 dwelling units per acre in the southern portion of the site), and provides guidelines for developing the Specific Plan within the Valley Center Community Plan text; and

WHEREAS, said Specific Plan complies with the provisions of Board of Supervisors' Policy I-59; and

WHEREAS, the applicant has stated the intent to:

1. Prepare 118.3 acres of land for construction for a maximum of 300 dwelling units, at a density of 7.3 dwelling units per acre for the northern portion of the site (north of the Moosa Creek floodplain) and 1.5 dwelling units per acre for the southern portion of the site (south of the Moosa Creek floodplain), with active and passive recreation facilities, greenbelt open space areas, and floodplain open space consisting of 18.9 acres within the 100 year floodway of Moosa Creek, and a "Wastewater Treatment Plant".
2. Ensure that such preparation be done in accordance with all applicable adopted plans, programs, ordinances, and policies.
3. Phase the development in accordance with circulation, marketing, and the availability of public services and facilities.

SP 95-004

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4. Dedicate land and provide required improvements to Circulation Element roads affecting the external boundaries of the property in accordance with County standards and the recommendations of the County Department of Public Works.
5. Preserve the natural topography and characteristics of the property as much as is feasible by means of open space easements and maintenance of natural slopes.

WHEREAS, pursuant to Section 65450 et seq. of the Government Code, the Planning Commission on May 9, 1997 and May 22, 1998, conducted a duly advertised public hearing on the proposed Orchard Run Specific Plan (SP 95-004); and

WHEREAS, pursuant to Section 65354 et seq. of the Government Code, the Planning Commission, on May 9, 1997, by a vote of 4-0-3, reported to the Board of Supervisors with a recommendation to approve the Orchard Run Specific Plan (SP 95-004) because the project is consistent with the General Plan and the Valley Center Community Plan. On May 22, 1998, by a vote of 6-1-0 the Planning Commission reported to the Board of Supervisors with a recommendation to approve the revised project to allow the use of a future, on-site wastewater treatment plant for the Orchard Run Specific Plan; and

WHEREAS, pursuant to Section 65355 of the Government Code, the Board of Supervisors on June 17, 1998, conducted a duly advertised public hearing on the proposed Orchard Run Specific Plan (SP 95-004); and

WHEREAS, the Board of Supervisors finds that the Specific Plan does provide for the reasonable use and development of the area of the County included with said Specific Plan; and

WHEREAS, the Board of Supervisors has considered said Specific Plan (SP 95-004) and the recommendation of the Planning Commission, the Department of Planning and Land Use, the Department of Public Works, the Department of Environmental Health, the Valley Center Community Planning Group, the Valley Center Municipal Water District, and the Valley Center Fire Protection District, and with respect thereto, has determined that the requirements hereinafter enumerated are necessary to ensure that the Specific Plan, and the implementation thereof, will conform to all ordinances, policies, rules, standards, and improvement and design requirements of the County of San Diego except as specifically waived; and

WHEREAS, pursuant to the findings of the final Environmental Impact Report (EIR) for SP 95-004 and TM 5087RPL¹, the Orchard Run Specific Plan would have

SP 95-004

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significant land use/community character, visual quality, agriculture, traffic circulation, noise, biological resources, and public service impacts on the environment.

BE IT FURTHER RESOLVED that the Board of Supervisors finds that the Orchard Run Specific Plan (SP 95-004) is consistent with the San Diego County General Plan and the Valley Center Community Plan in that the goals, objectives, and policies of all the elements of the plans have been or will be met.

BE IT FURTHER RESOLVED that the Board of Supervisors finds that the level and intensity of development proposed by the Orchard Run Specific Plan is appropriate because it proposes a range of housing types, densities and lot sizes within the Valley Center Country Town Regional Category which provides a transition from existing commercial uses along Valley Center Road located to the east of the project site and rural residential areas located to the west of the project site.

BE IT FURTHER RESOLVED that the Board of Supervisors finds that the Orchard Run Specific Plan (SP 95-004) is consistent with the San Diego County General Plan because 300 dwelling units, active and passive recreation areas, greenbelt and floodplain open space areas, and a Wastewater Treatment Plant are proposed in conformance with the Valley Center Community Plan designation of (21) Specific Plan Area (with a permitted density of 7.3 dwelling units per acre in the northern portion of the site and 1.5 dwelling units per acre in the southern portion of the site).

BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the Orchard Run Specific Plan as Specific Plan SP 95-004, consisting of the text entitled Orchard Run Specific Plan dated February 12, 1998, a map entitled Orchard Run Land Use Plan dated February 12, 1998, and this Resolution.

BE IT FURTHER RESOLVED that the following conditions be met in order to implement the Specific Plan:

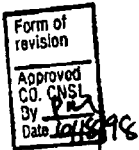
1. The applicant shall submit within 30 days of the approval of this Specific Plan revised copies of the Specific Plan text and map that include any additions, deletions, or modifications approved by the Board of Supervisors to the Department of Planning and Land Use.
2. The Specific Plan area shall be developed pursuant to Part A, "Development Review Procedures", Part B, "Land Use Regulations", and Part C, "Lower Income Housing Proposal" of Section V, "Implementation", and Part B, "Design Criteria from the Valley Center Design Guidelines" of Section VI, "Design Guidelines" as stated in the Specific Plan text. All implementing projects and proposed uses (Tentative Map, Major Use

SP 95-004

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Permit, Administrative Permit, and Site Plan) shall be reviewed for conformance to the development review procedures and land use regulations.

3. In addition to those mitigation measures and conditions specified in this Resolution, specific mitigation measures and other required conditions for development of the site are contained in the following concurrent implementing permits: Resolution of Approval for Tentative Map TM 5087RPL¹.
4. Site Plans shall be submitted for review and approval prior to issuance of any building permit for development of single-family Neighborhoods A and E, Neighborhood B townhome site, and the two community recreation sites. Development plans for these sites shall be reviewed for conformance with the Valley Center Design Guidelines as set forth in the Orchard Run Specific Plan text dated February 12, 1998.
5. The required Site Plans for the construction of the two community recreation sites shall include all common open space areas (within the respective northern and southern areas) and shall be completed prior to the issuance of any building permit for the respective northern and southern portions of the project site.
6. Prior to approval of any final subdivision map, an Administrative Permit shall be submitted and approved by the Director of Planning and Land Use in accordance with Sections 7050 through 7099 of the San Diego County Zoning Ordinance, to establish a homeowners association to be responsible for maintaining the Orchard Run Specific Plan community recreation sites, open space lots, trails, and common area landscaping. The Administrative Permit shall specify the level of maintenance of said community recreation sites, open space lots, trails, and common area landscaping. A caretaker's dwelling may also be permitted by Administrative Permit in one of the two community recreation sites, not to exceed 600 square feet of floor area.
7. Greenbelt open space shall be provided as a buffer along the entire perimeter of the Specific Plan Area.
8. Any Major Use Permit for a future Wastewater Treatment Plant shall:
 - a. Incorporate a landscaped greenbelt buffer to provide a visual screen between the wastewater treatment plant and the adjacent community recreation site, residences and the dairy.



- b. Include landscaping to enhance the off-site views of the wastewater treatment plant and storage ponds. Landscaping shall include ornamental trees and groundcover similar to that utilized within other use areas of the Orchard Run Specific Plan.
- c. Include a condition that prior to issuance of a building permit for the wastewater treatment plant, the developer shall demonstrate that noise levels at the property line of the wastewater treatment plant do not exceed the applicable limits established by the County of San Diego Noise Ordinance.
- d. Include a condition that the facility be operated and maintained in compliance with the allowable noise generation levels as discussed in the Noise Element of the General Plan and the one hour sound level limits included in Section 36.404 of the County Code. The applicable sound level limits of Section 36.404 are 50 decibels (7:00 a.m. to 10:00 p.m.) and 45 decibels (10:00 p.m. to 7:00 a.m.) measured at any adjacent residential property line. The design may include construction of a six-foot high masonry wall to limit off-site noise levels.
- e. Include a condition that sludge awaiting off-site transport will be stored within the treatment facility building and bags of sludge will be stacked on wooden pallets up to four high with four bags per layer for a total of 16 bags per pallet. Drains will be located beneath the bagged sludge to catch any moisture that escapes from the bags. The bags of sludge will be stored until a truck load has accumulated. The sludge will be hauled to a landfill approved for the disposal of this type of waste.
- f. Include a condition to provide a minimum of 84 days of on-site storage capacity for reclaimed water for periods of wet weather when irrigation may not be feasible.
- g. Include a condition that irrigation storage ponds be lined to prevent infiltration into the groundwater and will be enclosed within a six-foot high chainlink fence.
- h. Include a condition that any excess soil from excavation of the irrigation storage ponds will be used within the Orchard Run project. No soils will be exported off-site nor placed within the Moosa Creek floodway.

SP 95-004

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- i. Incorporate the following features into the project's construction plans to the satisfaction of the Director of Planning and Land Use:
 - (1) Noise-attenuating exhaust vents will be directed to the south away from the nearby on-site residential area to the north and the off-site athletic fields to the east and northeast.
 - (2) The influent pump station for the wastewater treatment plant will be completely below ground and will feature submersible pumps. The effluent pump station will feature a wetwell below grade with electric motors mounted at ground level.
 - (3) The emergency power generator will be housed within a sound attenuating enclosure to a maximum height of six feet and will be equipped with a muffler such as required for hospital operations. Intake and exhaust vents shall also be limited to a maximum of six feet above grade.
 - (4) Locate all construction and grading, including the wastewater treatment plant, reclaimed water storage ponds and associated grading and fencing, outside of the floodway of Moosa Creek.
 - (5) A vent unit within an enclosed treatment facility building which will consist of activated carbon units with flow rates of approximately 5,000 cubic feet per minute per unit.
 - (6) The influent and effluent pump stations will be enclosed and exhaust air piped to the odor control unit in the main building.
 - (7) Exhaust vents will be designed to provide 30 air exchanges per hour and be located on the south side of the treatment facility building.
9. A request shall be made in writing to the State Department of Real Estate that the "White Paper" for this subdivision contain the following statement to advise prospective property owners:

"All property owners shall be hereby notified that the subject property is located generally west of an existing dairy operation. Occupants of the subject property may experience or be subject to noise, odors, dust, insects, rodents, and chemicals typically associated with a dairy operation and which may be in excess of the typical suburban community."

10. The following conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County and shall be complied with prior to issuance of a grading permit:
 - a. The Orchard Run Specific Plan Area shall provide 30 percent of any development north of Moosa Creek floodplain to qualify and be available for purchase or rent to very low, low and moderate income households as defined by the County of San Diego. The overall density of this area will be 7.3 dwelling units per acre and provide a mix of attached and detached housing opportunities.
 - b. Any development within the northern portion of the Orchard Run Specific Plan Area shall require a contractual agreement with the County of San Diego that assures that units constructed within the development are occupied by very low, low, and moderate income households.
 - c. Any development within the northern portion of the Orchard Run Specific Plan Area (located north of Moosa Creek floodplain) shall be subject to a contract with the Department of Housing and Community Development based upon the following requirements:
 - (1) Any development within the northern portion of the Orchard Run Specific Plan Area shall reserve 30 percent of the dwelling units for affordable purchase or rent to very low, low, and moderate income households as defined by the County of San Diego Department of Housing and Community Development. A minimum of 50 percent of this affordable housing will be reserved for low or very low income households as defined by the County of San Diego Department of Housing and Community Development.
 - (2) Thirty (30) percent of the total dwelling units, proposed for the northern portion of the Orchard Run Specific Plan Area, is 52 dwelling units. The number, housing type, and location of the reserved dwelling units shall be in accordance with a contract between the applicant and the County of San Diego Department of Housing and Community Development, and the following:
 - (a) Housing contracts must reflect a formula which will result in the geographic dispersal of low and

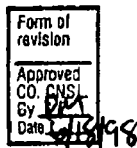
SP 95-004

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moderate income housing throughout Neighborhoods A and B.

- (b) For every six units that are built, the developer shall reserve one dwelling unit for purchase or rent to moderate income households, and one unit reserved for low, or very low income households as defined in the contract with the County of San Diego Department of Housing and Community Development as required by the Valley Center Community Plan text and the Orchard Run Specific Plan. The above shall apply until such time as 52 units of low or moderate income units have been provided, of which 26 are for low, and very low income housing.

- d. Prior to grading or improvement plans, the applicant shall submit and receive approval of a Major Use Permit for the construction and operation of an on-site wastewater treatment plant in accordance with the Wastewater Treatment Plant Land Use Regulations of the Orchard Run Specific Plan, and the provisions of Board of Supervisors Policy I-78 (Small Wastewater Treatment Facilities), or provide evidence satisfactory to the Director of Planning and Land Use that sewer service is available and committed through another means of sewage disposal. If the wastewater treatment plant is located on-site it shall be sized to serve only the Orchard Run project approved as SP 95-004.



BE IT FURTHER RESOLVED that this Specific Plan (SP 95-004) shall be of no force and effect on June 17, 2006, if a Final Map has not recorded pursuant to this Specific Plan and if no Administrative Permit or Site Plan has been vested in reliance on this Specific Plan. If a moratorium exists or is imposed pursuant to Section 66452.6(b) of the Subdivision Map Act which precludes recordation of a Final Map and the vesting of a Site Plan filed pursuant to this Specific Plan, this Specific Plan shall remain in full force and effect for the same period of time as said Tentative Map and Site Plan, including any time extension(s) which may be granted.

BE IT FURTHER RESOLVED that all references within this Resolution to "applicant" shall be equally applicable to the current property owner and to any successors-in-interest or assigns, whether such successors or assigns own, control, or otherwise have development authority for all, a portion, or portions of that property included within this Specific Plan.

SP 95-004

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BE IT FURTHER RESOLVED that the following evidence is incorporated herein by this reference and serves as further evidence to support the findings, requirements, and conclusions included herein:

The maps, exhibits, written documents, and material contained in the files regarding applications SP 95-004 and TM 5087RPL¹, on record at the County of San Diego, the written documents referred to and the oral presentations made at the public hearings.

The following shall be the Mitigation Monitoring or Reporting Program for Specific Plan SP 95-004, Orchard Run.

Public Resources Code Section 21081.6 requires the County to adopt a mitigation reporting or monitoring program for any project that is approved on the basis of a mitigated Negative Declaration or an Environmental Impact Report for which findings are required under Section 21081(a)(1). The program must be adopted for the changes to a project, that the County has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment. The program must be designed to ensure compliance during project implementation.

The mitigation monitoring program is comprised of all the environmental mitigation measures adopted for the project. The full requirements of the program (such as what is being monitored, method and frequency, who is responsible, and required time frames) are found within the individual project conditions. These conditions are referenced below by category under the mechanism that will be used to ensure compliance during project implementation.

A. Subsequent Project Permits

Compliance with the following conditions is assured because specified subsequent permits or approvals required for this project will not be approved until the conditions have been satisfied:

Conditions 8.a. through 8.c., and 10(d)

THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE OR COUNTY LAWS, ORDINANCES, REGULATIONS OR POLICIES INCLUDING, BUT NOT LIMITED, TO THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

DEFENSE OF LAWSUITS AND INDEMNITY: The applicant shall: (1) defend, indemnify and hold harmless the County, its agents, officers and employees, from any claim, action or proceeding against the County, its agents, officers or employees to

SP 95-004

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attack, set aside, void or annul this approval or any of the proceedings, acts of determination taken, done or made prior to this approval, and (2) reimburse the County, its agents, officers and employees for any court costs and attorney's fees which the County, its agents or officers or employees may be required to pay as a result of this approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. The County shall notify the applicant promptly of any claim or action and cooperate fully in the defense.

NOTIFICATION TO APPLICANT: The County of San Diego hereby notifies the applicant that State law (A.B. 3158) effective January 1, 1991, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If you made this payment at the time of public review of the environmental document pursuant to Administrative Code Section 362, Article XX, effective August 27, 1992, you have met this obligation. If the fee has not been paid, to comply with State law, the applicant should remit to the County Department of Planning and Land Use, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a certified check payable to "County Clerk" in the amount of \$1,275 for a project with a Negative Declaration, or \$875 for a project with an Environmental Impact Report. These fees include an authorized County administrative fee of \$25. The fees made be waived for projects which are found by the Department of Planning and Land Use and the California Department of Fish and Game to have a de minimis impact on fish and wildlife resources. Failure to remit the required fee in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation Code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code, provide that no project shall be operative, vested, or final until the required filing fee is paid.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego, State of California, this 17th day of June 1998 by the following vote:

AYES: Cox, Jacob, Slater, Roberts, Horn

NOES: None

ABSENT: None

BOARD05\SP95004.RES;tf,dld

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution which is now on file in my office.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By Adair Gomez
Adair Gomez, Deputy



05-0002



GARY L. PRYOR
DIRECTOR
(858) 694-2962

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE 8, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017

SAN MARCOS OFFICE
338 VIA VERA CRUZ - SUITE 201
SAN MARCOS, CA 92069-2620
(760) 471-0730

EL CAJON OFFICE
200 EAST MAIN ST. - SIXTH FLOOR
EL CAJON, CA 92020-3912
(619) 441-4030

June 1, 2001

Mr. John A. Belanich Trust
646 "A" Street, Suite 101
San Diego, California 92101

REFERENCE: TENTATIVE MAP SUBDIVISION TM 5087RPL TE

TIME EXTENSION

PRELIMINARY NOTICE OF DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND LAND USE AND FINAL NOTICE OF ACTION OF THE PLANNING COMMISSION APPROVING A TIME EXTENSION FOR TENTATIVE MAP TM 5087RPL TE

On the above date, the Director of the San Diego County Department of Planning and Land Use adopted this preliminary decision approving a Time Extension to the above referenced Tentative Map. A copy of this preliminary decision will be filed with the Planning Commission as an informational agenda item to be considered on June 29, 2001. In the event that no request for a public hearing is received by June 29, 2001, either from you or an interested party, this preliminary decision of the Director shall become the final decision of the Planning Commission. The filing of a request for public hearing will stay the decision of the Director until the public hearing.

PLEASE NOTE: THIS LETTER EXTENDS THAT DATE UPON WHICH THE TENTATIVE MAP WILL EXPIRE AND MAKES CERTAIN OTHER CHANGES AS LISTED BELOW. ALL OTHER RESOLUTION LANGUAGE AND CONDITIONS REMAIN AS ORIGINALLY ADOPTED. [Strikeout indicates deletion, underline indicates addition.]

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Mr. John A. Belanich Trust

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June 1, 2001

Amend Resolution language as follows:

It is hereby found that the Planning Commission has reviewed and considered the information contained in the final Environmental Impact Report (EIR) dated June 17, 1998 on file with the Department of Planning and Land Use (DPLU) as Environmental Review Number 95-08-033 prior to making its decision on the project;

The "California Environmental Quality Act Guidelines Sections 15162, 15163, and 15164 Findings for Determining the Appropriate Environmental Documentation for Use on a Subsequent Project with a Previously Adopted EIR" dated April 19, 2001 on file with DPLU as Environmental Review Number 95-08-033A; is hereby adopted;

The "California Environmental Quality Act Guidelines Section 15091 Findings Regarding Significant Effects of the Project" on file with DPLU as Environmental Review Number 95-08-033; is hereby adopted;

The "Statement of Overriding Considerations" on file with DPLU as Environmental Review Number 95-08-033; is hereby adopted.

- A. The approval of this Tentative Map expires on ~~June 17, 2004~~ June 17, 2006 at 4:00 p.m. ~~unless prior to that date a request for a Time Extension has been filed and subsequently approved as provided by Section 81.308 of the County Subdivision Ordinance.~~ This Tentative Map may record in units. If the Director of Public Works can determine that Tentative Map 5087RPL meets the requirements of Section 66452.6(a) of the State Map Act, the expiration date shall be extended pursuant to that Section.

1. Revise Condition C.2.e to read:

- e. Prior to recordation of the Final Map for Unit 7 or 9, improve or agree to improve and provide security for Mirar de Valle Road ~~(SC 990.3)~~ (SC 990.2 known as SC 990 on Circulation Element Plan between I-15 and North Broadway and SC 990.2 between North Broadway and Valley Center Road) on-site along the tract frontage to a graded width of forty-two feet (42') with twenty-eight feet (28') of asphaltic concrete pavement over approved base with Portland Cement Concrete curb and gutter with the curb at thirty-two feet (32') from the centerline on the tract side and asphaltic concrete dike on the other side of the pavement. An extra seven feet (7') shall be required for the left-turn lane at Orchard Run Avenue and Vineyard Terrace to the satisfaction of the Director of Public Works.

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Mr. John A. Belanich Trust

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June 1, 2001

2. Revise Condition C.2.f to read:

- f. Prior to recordation of the Final Map for Unit 7, improve or agree to improve and provide security for Unit 7 or the first Unit taking access to Mirar de Valle, Mirar de Valle Road (~~SC 990.3~~) (SC 990.2 known as SC 990 on Circulation Element Plan between I-15 and North Broadway and SC 990.2 between North Broadway and Valley Center Road.) off-site from the subdivision easterly one thousand and three hundred (1,300') easterly to Valley Center Road (SF 639) to a graded width of forty-two (42') with twenty-eight feet (28') of asphaltic concrete pavement over approved base with asphaltic concrete dikes and the asphaltic concrete dike. The pavement shall be four feet (4') southerly of the ultimate centerline and within the south one-half of the ultimate right-of-way to the satisfaction of the Director of Public Works.

3. Revise Condition C.2.h to read:

Prior to recordation of the Final Map for Unit 7 (or the first Unit taking access on Mirar de Valle Road), improve or agree to improve and provide security for a left-turn lane on Valley Center Road (SF 639) off-site northbound at Mirar de Valle Road (~~SC 990.3~~) (SC 990.2 known as SC 990 on Circulation Element Plan between I-15 and North Broadway and SC 990.2 between North Broadway and Valley Center Road.)

4. Revise Condition C.2.o to read:

Intersectional sight distance along Mirar de Valle (~~SC 990.3~~) (SC 990.2 known as SC 990 on Circulation Element Plan between I-15 and North Broadway and SC 990.2 between North Broadway and Valley Center Road) from the access streets shall be four hundred fifty feet (~~450'~~400').

5. Add new Conditions C.6.d and C.6.e to read:

- d. The activities proposed under this application may be subject to enforcement under permits from the San Diego Regional Water quality Control Board (RWQCB) and the San Diego County Stormwater Ordinance. On all such operation, the property owner must ensure compliance with all applicable stormwater regulations at all times. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 5 acres require that the property owner keep additional and updated information on-site concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

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Mr. John A. Belanich Trust

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June 1, 2001

- e. Implement and maintain Best Management Practices (BMPs) to effectively prevent potentially negative impact on stormwater quality by the proposed operations. Information on BMPs is available at the DPW Land Development counter. The property owner shall repair, restore and/or replace with acceptable alternatives, all or portions of the installed BMPs that fail. Failure to properly install and maintain the BMPs will result in enforcement action by the County of San Diego or other agencies. The minimum performance goals for the post-construction BMPs to control pollution from the project are: no net increase in pollutants above pre-construction levels, no change in the character of runoff from pre-construction conditions, and no net increase in peak flow above pre-construction levels. The developer shall install grease/oil traps or other filtration systems to collect pollutants in all the storm drain inlets. Sources of potentially significant post-construction pollutant loading shall be identified and the introduction of pollutants from these sources into stormwater and non-stormwater discharges shall be prevented or reduced to the maximum extent practicable. Post-construction pollutant loads in stormwater and non-stormwater discharges shall not cause or contribute to the degradation of receiving waters or the environmentally sensitive area. Post-construction peak runoff flow rates and velocities from the project site shall be maintained at levels which will not cause or contribute to the scouring or erosion of receiving waters of the environmentally sensitive areas (wetlands, vernal pools, etc.) above pre-development rates. Post-construction minimum runoff flow rates, velocities, and volumes from the project site shall be maintained as necessary to prevent the degradation of receiving waters, other environmentally sensitive areas, or flow-dependent BMPs (e.g., constructed wetlands, etc.). BMPs which incorporate natural systems or approaches (e.g., constructed wetlands, retention of existing habitat, inclusion of natural buffer zones, etc.) shall be considered and shall be utilized to the maximum extent practicable. Post-construction structural BMPs shall be operated and maintained to ensure their long-term functioning as designed.
6. Revise Condition C.14.a to read:
- a. Dedicate Mirar de Valle (SC-990.3) (SC 990.2 known as SC 990 on Circulation Element Plan between I-15 and North Broadway and SC 990.2 between North Broadway and Valley Center Road) on-site along the tract frontage to a width of forty-two feet (42') from centerline. An extra seven feet (7') will be required for left-turn lanes at Orchard Run Avenue and Vineyard Terrace to the satisfaction of the Director of Public Works.

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Mr. John A. Belanich Trust

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June 1, 2001

7. Revise Condition C.14.b to read:

- b. With the first Unit taking access on Mirar de Valle (SC 990.3) (SC 990.2 known as SC 990 on Circulation Element Plan between I-15 and North Broadway and SC 990.2 between North Broadway and Valley Center Road cause to be granted right-of-way for Mirar de Valle Road (SC 990.3) (SC 990.2) off-site from the subdivision easterly one thousand and three hundred feet (1,300') to Valley Center Road (SF 639) to a width of forty-two feet (42') from centerline on the southerly one-half of the ultimate right-of-way. Provide an additional seven foot (7') of right-of-way for a one hundred feet (100') with transitions to accommodate a left turn lane for a total width of forty-nine feet (49') from centerline on Mirar de Valle Road at Valley Center Road to the satisfaction of the Director of Public Works.

8. Add a new Condition C.14.c to read:

- c. Contact Route Locations of the Department of Public Works (858) 694-3728 to determine the desired location of the centerline for Mirar de Valle Road (SC 990.2), which is shown on the Circulation Element of the County General Plan as a Collector road. The following shall be shown on the Final Map:
- (1) The centerline location as approved by the Department of Public Works.
 - (2) Since it is not required to be constructed to ultimate, the following shall be shown on the Final Map as "non-title" information:
 - (a) the width of the right-of-way which is forty-two feet (42') from the centerline and identified by a line drawn at the appropriate location and labeled, "Limit of Proposed Street Widening."
 - (b) A building line which is seventy-two feet (72') from the centerline of the road, identified by a line drawn at the appropriate location and labeled, "Limit of Building Line."
 - (c) Show the ultimate slopes and drainage facilities on the final Map. A profile and cross-section sufficient to verify these limits shall be submitted to Route Locations of the Department of public Works for review and approval.

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Mr. John A. Belanich Trust

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June 1, 2001

9. Renumber C.14.c through C.14.p as C.14d through C.14.q:

10. Revise Condition C.14.l to read:

I. Relinquish access rights into Mirar de Valle (~~SC 990.3~~) (SC 990.2 known as SC 990 on Circulation Element Plan between I-15 and North Broadway and SC 990.2 between North Broadway and Valley Center Road) except for Orchard Run Avenue and Vineyard Terrace.

II. Add a new waiver to read:

C. County Public and Private Road Standards:

Section 4.2 (Table 2) of the Public Road Standards requires Maximum grade of 7% and a vertical curve design speed of 55 MPH on Mirar de Valle Road, a Collector Road. This waiver will permit a maximum grade of 12% and a vertical curve design speed of 40 MPH on Mirar de Valle Road to this satisfaction of the Director of Public Works.

11. Add Condition C. 21 to read:

The realignment of Mirar de Valle Road and resulting impacts to Lots 212 thru 215 and the open space buffer are shown on Exhibit "A".

DEFENSE OF LAWSUITS AND INDEMNITY: The applicant shall: (1) defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding against the County, its agents, officers and employees to attack, set aside, void or annul this approval or any of the proceedings, acts or determinations taken, done or made prior to this approval; and (2) reimburse the County, its agents, officers or employees for any court costs and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of such approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. The County shall notify the applicant promptly of any claim or action and cooperate fully in the defense.

NOTICE: The issuance of this permit/approval by the County of San Diego does not authorize the applicant for said permit/approval to violate any federal, state, or county laws, ordinances, regulations, or policies including, but not limited to, the federal endangered species act and any amendments thereto.

05-0008

Mr. John A. Belanich Trust

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June 1, 2001

NOTICE: This subject property is known to contain Coastal sage scrub plant community. Such plant community is habitat for the coastal California gnatcatcher. The Federal government recently listed the gnatcatcher as a threatened species under the Federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.). **THE LISTING MAY RESULT IN AN APPLICANT'S INABILITY TO PROCEED WITH HIS/HER PROJECT WITHOUT A PERMIT FROM THE FEDERAL GOVERNMENT IF THE SPECIES OR ITS HABITAT ARE PRESENT ON THE PROJECT SITE.** It is advisable to contact the United States Fish and Wildlife Service to determine the applicability of the prohibitions under the Act to each applicant's property.

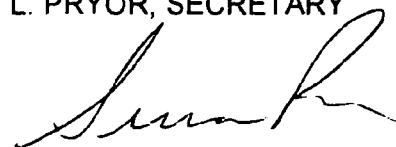
NOTICE - Fish and Game Fees have been paid in the amount of \$875 for the review of the EIR, Receipt Number 58289 dated June 26, 1997.

The issuance of this permit by the County of San Diego does not authorize the applicant for said permit to violate any Federal, State, or County laws, ordinances, regulations, or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

I, Gary L. Pryor, Director of Planning and Land Use, San Diego County, State of California, hereby certify that this is a copy of the official document authorizing an amendment to the referenced Tentative Map.

DEPARTMENT OF PLANNING AND LAND USE
GARY L. PRYOR, SECRETARY

By:



DAVID S. HULSE, Chief
Current Planning

DSH:jkm:jcr

cc: Valley Center Community Planning Group
David Ashley, ALCOR Engineering, 3264½ Rosecrans St, San Diego, CA
92110
Russ Hunt, Mooney & Associates, 9903 Business Park Avenue, San Diego, CA
92131

cc's continued on the following page...

05-0009

Mr. John A. Belanich Trust

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June 1, 2001

cc: Charlie McLaughlin, 9227 Haven Avenue, #225, Rancho Cucamonga, CA
91730
Dan Silver, Endangered Habitats League, 8424-A Santa Monica Blvd., #592,
Los Angeles, CA 90069-4267
Final Maps, Department of Public Works, M.S. 0336
Jeff Murphy, Project Manager, DPLU, M.S. 0650
Robert Hingtgen, Environmental Analyst, DPLU, M.S. 0650
Susan Porter, Regional Planner, DPLU, M.S. 0650
D.J. McLaughlin, Case Tracking System, DPLU, M.S. 0650
John Peterson, CEQA Regulatory Manager, DPLU, M.S. 0650

PC\07-13\TM5087-PRE

**Attachment B – Notice of Preliminary Decision of the
Director of Planning & Development Services and
Final Notice of Action of the Planning Commission
Approving a Time Extension for TM 5087**



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds
PHONE (858) 694-2962 FAX (858) 694-2555

KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

December 5, 2017

REFERENCE: TENTATIVE MAP TIME EXTENSION PDS2017-TM-5087TE

NOTICE OF PRELIMINARY DECISION OF THE DIRECTOR OF PLANNING & DEVELOPMENT SERVICES

On the above date, the Director of Planning & Development Services (PDS) adopted this preliminary decision approving Time Extension PDS2017-TM-5087TE. A copy of this Notice of Preliminary Decision will be filed with the Planning Commission as an informational agenda item on December 15, 2017. In the event the Planning Commission takes no action to initiate a public hearing on the preliminary decision, the preliminary decision shall become a final decision of the Planning Commission that is effective immediately.

I, Mark Wardlaw, Director of PDS, San Diego County, State of California, hereby certify that this is a copy of the official document authorizing an amendment to the referenced Tentative Map.

PLANNING & DEVELOPMENT SERVICES
MARK WARDLAW, DIRECTOR

By:

LISA GORDON, DEPUTY DIRECTOR
PLANNING & DEVELOPMENT SERVICES

December 15, 2017

REFERENCE: TENTATIVE MAP TIME EXTENSION PDS2017-TM-5087TE

FINAL NOTICE OF ACTION OF
THE PLANNING COMMISSION APPROVING
A TIME EXTENSION FOR TENTATIVE MAP 5087

PLEASE NOTE: THIS LETTER EXTENDS THAT DATE UPON WHICH THE TENTATIVE MAP WILL EXPIRE AND MAKES CERTAIN OTHER CHANGES AS LISTED BELOW. ALL OTHER RESOLUTION LANGUAGE AND CONDITIONS REMAIN AS ORIGINALLY ADOPTED. [Strikeout indicates deletion, underline indicates addition.]

1. The approval of this Tentative Map expires ~~June 17, 2006~~ on August 16, 2018 at 4:00 p.m.

APPROVAL OF MAP: THE FOLLOWING SPECIFIC CONDITIONS SHALL BE COMPLIED WITH BEFORE A MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY OF SAN DIEGO RECORDER: (and where specifically indicated, conditions shall also be compiled with prior to the approval and issuance of grading or other permits as specified):

The conditions within the Resolution of San Diego County, Conditionally Approving Tentative Map No. 5087 dated June 17, 2001 are still applicable.

ORDINANCE COMPLIANCE AND NOTICES: The project is subject to, but not limited to the following County of San Diego, State of California, and U.S. Federal Government, Ordinances, Permits, and Requirements:

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10410 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Quality Management Plan (SWQMP), all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep the Storm Water Pollution Prevention Plan (SWPPP) onsite and updated as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

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LOW IMPACT DEVELOPMENT NOTICE: The San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning in May 2013 and amended in November 2015. *Project design shall be in compliance with the new Municipal Permit regulations.*

The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link:

[http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION PROGRAM/susmppdf/lid_handbook_2014sm.pdf](http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmppdf/lid_handbook_2014sm.pdf)

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link below.

<http://www.sdcountry.ca.gov/dplu/docs/LID-Handbook.pdf>

STORMWATER COMPLIANCE NOTICE: Updated studies, including Hydro-modification Management Plans for Priority Development Projects, will be required prior to approval of grading and improvement plans for construction pursuant to County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance No. 10410 (N.S.), dated February 26, 2016 and BMP Design Manual. These requirements are subject to the MS4 Permit issued by the Regional Water Quality Control Board, Order No. R9-2013-0001 and any subsequent order. Additional studies and other action may be needed to comply with future MS4 Permits.

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities of excavation or fill results in the movement of material exceeding 200 cubic yards or eight feet (8') in vertical height of cut/fill pursuant to Section 87.201 of the County Code.

CONSTRUCTION PERMIT REQUIRED: A Construction Permit and/or Encroachment Permit for any and all work within the County road right-of-way. Contact DPW/PDS Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate departmental requirements. In addition, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

ENCROACHMENT PERMIT REQUIRED: An Encroachment Permit is required for any and all proposed/existing facilities within the County right-of-way. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

EXCAVATION PERMIT REQUIRED: An excavation permit is required for undergrounding and/or relocation of utilities within the County right-of-way.

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TRANSPORTATION IMPACT FEE: The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to County TIF Ordinance number 77.201 – 77.223. The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [*PDS, Land Development Counter*] and provide a copy of the receipt to the [*PDS, Building Division Technician*] at time of permit issuance.

cc:

Mr. and Mrs. John A. Belanich 7181 Incelia Drive, La Jolla, CA 92037
Brian Nestoroff 9909 Mira Mesa Blvd. STE 150, San Diego, CA 92127
TSAC Engineering 16885 Via Del Campo Ct. STE 304, San Diego, CA 92127

email cc:

Benjamin Mills, Planning Manager, Project Planning, PDS
Edwin Sinsay, Project Manager, Land Development, PDS

Attachment C – Environmental Documentation



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds

KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

AN ADDENDUM TO THE PREVIOUSLY CERTIFIED ENVIRONMENTAL IMPACT REPORT FOR PURPOSES OF CONSIDERATION OF PDS2017-TM-5087TE

December 15, 2017

CEQA Guidelines, Section 15164 (a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 or 15163 calling for the preparation of subsequent or supplemental EIR have occurred.

There are some minor changes and additions, which need to be included in an Addendum to the previously certified EIR to accurately cover the new project. The additions are underlined and deletions are struck out. The changes and additions consist of the following:

1. To the Project Name add Orchard Run Tentative Map Time Extension
2. To the Project Number(s) add PDS2017-TM-5087TE; PDS2017-ER-95-08-033J
3. To the first paragraph add as indicated: The certified Environmental Impact Report for this project is comprised of this form along with the Environmental Review Update Checklist Form for Projects with a Previously Approved Environmental Document dated December 15, 2017 which includes the following forms attached.
 - A. An Addendum to the previously certified Environmental Impact Report with an Environmental Review Update Checklist Form for Projects with a Previously Approved Environmental Document dated December 15, 2017.
 - B. An Ordinance Compliance Checklist.
 - C. A Priority Development Project Stormwater Quality Management Plan (SWQMP) prepared by TSAC Engineering dated July 14, 2017.



COUNTY OF SAN DIEGO • DEPARTMENT OF PLANNING AND LAND USE

**AN ADDENDUM TO THE PREVIOUSLY ADOPTED NEGATIVE DECLARATION OR
ENVIRONMENTAL IMPACT REPORT
FOR ORCHARD RUN SUBDIVISION, TM 5087, SP95-004, Log No. 95-8-33
FOR PURPOSES OF CONSIDERATION OF
ORCHARD RUN HEIGHT CHANGE, SPA 04-004, GPA 04-012,**

January 26, 2005

CHOOSE ONE OF THE FOLLOWING:

CEQA Guidelines, Section 15164 (a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 or 15163 calling for the preparation of subsequent or supplemental EIR have occurred.

Discussion:

There are some changes and additions, which need to be included in an Addendum to the previously certified EIR to accurately cover the new project. The additions are underlined and deletions are struck out. The changes and additions consist of the following:

Below are a few examples of specific changes to a document through an addendum. Modify as needed.

1. To the Project Number(s) add SPA 04-004, GPA 04-012; Log No. 95-08-33C.
2. To the project description (Page 1-1) add: The proposed project is for a General Plan Amendment and a Specific Plan Amendment for Orchard Run, an approved Specific Plan within the Valley Center Community in the County of San Diego. The proposal is the amend Residential Policy #8 of the Orchard Run Specific Plan text within the Valley Center Community Plan. The text currently allows a maximum building height of 35 feet, two stories in the northern area and 20 feet, one story in the south. The proposal is to allow 35 feet, two stories for two-thirds of the homes in the southern area of the project. The change requires an amendment to the General Plan text and to the Specific Plan text.

000028

GPA 04-012/ SPA 04-004/
ER 95-08-033C

- 2 -

January 26, 2005

3. To the Required Mitigation Measures add as indicated: "Refer to the attached Environmental Review Update Checklist Form for Projects with a Previously Approved Environmental Document dated January 26, 2005 for the rationale for requiring the following measures."

No new mitigation measures are required.

000029

**STATEMENT OF LOCATION AND CUSTODIAN OF DOCUMENTS
OR OTHER MATERIALS THAT CONSTITUTE A RECORD OF PROCEEDINGS**

January 26, 2005

Project Name: Orchard Run Height Change

Reference Case Numbers: SPA 04-004, GPA 04-012, ER# 9508-033C

The CEQA [Section 21081.6(a)(2)] requires that the lead agency (in this case the County of San Diego) specify the location and custodian of the documents or other material that constitute the record of proceedings upon which its decision is based. It is the purpose of this statement to satisfy this requirement.

Location of Documents and Other Materials That Constitute the Record of Proceedings:

County of San Diego, Department of Planning and Land Use
Project Processing Center
5201 Ruffin Road, Suite B
San Diego, California 92123

If this project was subject to a hearing by the County of San Diego Board of Supervisors the following is also a location of documents and other materials that constitute the record of proceedings:

County of San Diego, Clerk of the Board of Supervisors
1600 Pacific Highway, Room 402
San Diego, California 92101

Custodian:

County of San Diego, Department of Planning and Land Use
Project Processing Center
5201 Ruffin Road, Suite B
San Diego, California 92123

If this project was subject to a hearing by the County of San Diego Board of Supervisors the following is also a custodian of the record of proceedings:

County of San Diego, Clerk of the Board of Supervisors
1600 Pacific Highway, Room 402
San Diego, California 92101

000030



04-0052

County of San Diego

GARY PRYOR
DIRECTOR
(619) 694-2962

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (619) 694-2960

Date Prepared: April 26, 1998

FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT: Orchard Run

PERMIT: SP 95-004, TM 5087RPL'
LOG #: 95-8-33

The Board of Supervisors has reviewed the enclosed draft Environmental Impact Report (EIR). Based on that draft, public and agency comments received, and staff analysis, the Board of Supervisors finds that:

1. The attached final EIR has been completed in compliance with California Environmental Quality Act (CEQA) and that this Board has reviewed and considered the information contained therein prior to approving the project.
2. The project will have the following environmental impacts:

Significant and Not Mitigable:

- a. Land Use/Community Character
- b. Visual Resources
- c. Agriculture

Significant and Mitigable:

- d. Traffic
- e. Noise
- f. Biological Resources
- g. Public Services

Not Significant:

- h. Cultural Resources
- i. Geology/Soils
- j. Hydrology/Flood Control
- k. Dark Sky
- l. Air Quality

04-0053

Final EIR

- 2 -

Date Prepared: April 26, 1998

3. The mitigation measures presented in the EIR findings have been made conditions of the project approval.

Date Certified:

GARY L. PRYOR, Director
Department of Planning and Land Use

04-0054

Final EIR

- 3 -

Date Prepared: April 26, 1998

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- A. Letters of and Responses to Public and Other Agency Comment, A-1 through A-13.
- B. Letters of and Responses to Public and Other Agency Comments on Recirculated Draft EIR, B-1 through B- .
- C. Statement of Location and Custodian of Documents or Other Materials that Constitute a Record of Proceedings
- D. Any other information added by the Lead Agency - Statement of Overriding Considerations
- E. Candidate CEQA Findings per Section 21081 of the CEQA, E-1 through E-14.
- F. Draft EIR prepared by: Mooney and Associates, 9903-B Businesspark Avenue, San Diego, CA 92131 for John A. Belanich, Real Estate Investments, 646 "A" Street, Suite 101, San Diego, CA 92101.

04-0055

B-1

LETTERS OF AND RESPONSES TO PUBLIC AND OTHER AGENCY COMMENTS

List of agencies, organizations and individuals responding with comments on the draft EIR:

Federal Agencies

Department of the Army, Corps of Engineers
U.S. Fish and Wildlife Services

State Agencies

California Department of Fish and Game
California Department of Transportation (CalTrans)

County/City Agencies

None

Local Districts

Valley Center Municipal Water District

Local Organizations

San Diego County Archaeological Society
Endangered Habitats League

Individuals

Thomas C. Again
Norma Sullivan

04-0056

B-2

PROJECT: Orchard Run

PERMIT: SP 95-004, TM 5087RPL¹
LOG #: 95-8-33

During the 45 day review period, commencing December 24, 1996 and ending February 7, 1997, 9 letters of public comment were received:

- A. On February 6, the State Clearinghouse responded stating that the public review period had been completed. There were no project-specific comments made.
- B. On January 2, 1997, the Department of the Army, Los Angeles District, Corps of Engineers responded with the following concerns:
 - 1. The proposed project may require a permit from the Army Corps of Engineers pursuant to Section 404 of the Clean Water Act of 1972.

Department Response: The only impact identified within the Moosa Creek floodplain or any other wetland areas on the project site is for a temporary construction roadway and crossing of the Moosa Creek stream channel. The location of the roadway and crossing have not yet been determined. The plan is to select the route with the least impact to sensitive habitat. This means using the portions of the floodplain that have previously been disced for agriculture. The stream crossing will be via a railroad flat car or some similar type of temporary bridge that will not require impacts to the stream channel or the construction of subterranean support structures. The Corps will be notified of the design of the temporary stream crossing prior to implementation and will be provided with a delineation of the wetland area. It is anticipated that impacts to wetlands will be less than 0.33 acre. Therefore, the stream crossing should qualify for the use of Nationwide Permit #14.

- C. On February 7, 1997, the U.S. Fish and Wildlife Service and the California Department of Fish and Game (wildlife agencies) responded with the following concerns:
 - 1. Impacts to riparian habitat are unclear and no mitigation measures are proposed.

Department Response: Page 1-2 of the EIR states that a construction road will cross the Moosa Creek floodplain to connect the northern and southern neighborhoods. No impacts to sensitive riparian habitat associated with this road were identified during project review because much of the Moosa Creek floodplain has been disturbed by agriculture and does not contain sensitive habitat. Therefore, regardless of the location of the roadway and bridge, no impacts to sensitive habitat will result. The project proponent is aware of the necessity to avoid impacts to the Moosa Creek channel and associated wetlands and has proposed to span the creek with a prefabricated bridge using a railroad flat car or some similar

structure that can be place over the creek using a crane. The Tentative Map shows a bridge that is approximately 60 feet in length that will avoid all impacts to the stream channel.

2. U.S. Army Corps of Engineers should be contacted regarding the necessity of a permit under Section 404 of the Clean Water Act of 1972.

Department Response: Please see response to Comment B.1.

3. The California Department of Fish and Game's Streambed Alteration Coordinator should be contacted regarding the necessity of a Streambed Alteration Agreement under Section 1600 et seq. of the Fish and Game Code.

Department Response: A notification will be sent to the California Department of Fish and Game prior to the placement of a bridge across Moosa Creek. The information prepared for the Army Corps of Engineers regarding the bridge design and the delineation of wetland areas will also be provided. No impacts are anticipated within the streambed of Moosa Creek and the temporary roadway will not be built up so as to interfere with the flow of flood waters.

4. Suggestions have been made to preserve, enhance, and restore natural resources on the project site.

Department Response: Mitigation for impacts to oak trees associated with the proposed project are required for the open space areas on-site. Mitigation for impacts to Diegan coastal sage scrub is required in an off-site mitigation bank. Because significant impacts will not occur, additional habitat preservation or restoration is at the discretion of the property owner and is not a mitigation measure nor condition of project approval.

5. Consistency with the State's Natural Community Conservation Planning (NCCP) Program must be demonstrated.

Department Response: The necessary findings demonstrating the project's consistency with the NCCP Program can be found on Pages 2-55 and 2-56. The 0.2 acre of Diegan coastal sage scrub that will be impacted represents an isolated patch of habitat that does not support any Federal or State listed plants or animals. The loss of this small patch of Coastal sage scrub will be mitigated at a 1:1 ratio through the purchase of 0.2 acre of high quality habitat within a mitigation bank approved by the wildlife agencies.

6. The growth inducing/enabling impacts of the proposed project on biological resources must be evaluated and mitigation measures to offset such impacts should be proposed.

Department Response: The Orchard Run project is considered growth inducing as it will contribute to the construction of a sewer treatment plant and the sewer treatment plant will remove an obstacle to growth. The environmental impacts associated with the anticipated growth have been addressed in the EIR prepared for the Valley Center Community Plan update (GPA 90-04). That document concluded that the lifting of the building moratorium would result in short-term growth inducing impacts as the pent-up demand for housing was released. Long-term growth inducing impacts were not considered to be significant. Mitigation measures for impacts to biological resources associated with the Orchard Run project have considered the cumulative impact of growth in the Valley Center area through the proposed use of an off-site mitigation bank within a core area of native habitat.

7. The mitigation site for impacts to Coastal sage scrub should be approved by the wildlife agencies.

Department Response: Please see the response to Comment C.5.

8. Clarify oak tree revegetation ratios and container sizes to be used. A landscaping/revegetation plan should be proposed for the open spaces to mitigate for the impacts to oak trees. A monitoring plan with success criteria should be included.

Department Response: The revegetation condition will allow a choice to plant replacement trees at varying ratios and container sizes or with one ratio and container size as shown in Table 2-8 (Page 2-57) of the EIR. The EIR has been revised to clarify this point. Use of smaller container sizes will require planting of a larger number of replacement trees, while use of larger container sizes will require planting of a smaller number of replacement trees. Because of this fact, any one or a combination of ratios has been determined to mitigate the loss of existing oaks to below a level of significance. The success of the oak trees planted within open space at mitigation shall be 100 percent after 5 years. A landscaping/revegetation plan shall be approved by the County prior to approval of improvement plans or recordation of the Final Map, whichever comes first. This will be prior to any impacts to the existing oak trees.

9. Impacts to wetlands should be avoided. If they can not be avoided, they should be mitigated at a ratio of at least 3:1.

Department Response: No impacts to wetlands have been identified. Please see the response to Comment C.1.

04-0059

B-5

10. The potential uses of the floodplain should be clarified. Uses that will result in stream channelization should be avoided.

Department Response: No development has been proposed in the floodplain other than a temporary construction road that will connect the northern and southern neighborhoods. The Specific Plan states that "the project will preserve the Moosa Creek floodplain in its overall natural condition. Rechannelization or extraction of natural materials shall not be allowed." The Specific Plan goes on to state that the preservation and enhancement of the Moosa Creek floodplain for open space and recreational uses is an important component of the overall development plan. All recreation facilities would be constructed on open space lots outside of the floodplain; no structures would be placed within the floodplain open space. The Specific Plan states for the floodplain open space that this area would be generally free of permanent structures, although facilities to maintain existing and possible future irrigation wells, and minor recreation improvements would be permitted, including a small bridge subject to review by the Department of Public Works (DPW).

11. If the Southern mixed chaparral on-site is Mafic southern mixed chaparral, then the wildlife agencies consider impacts to 4.63 acres of Mixed chaparral to be significant and recommend off-site mitigation at a minimum ratio of 1:1.

Department Response: The soil types where the Southern mixed chaparral occurs are Cieneba-Fallbrook rocky sandy loam and Fallbrook sandy loam. Because the Las Posas soil type does not occur where the Southern mixed chaparral occurs, the chaparral on-site is not classified as Mafic and is not considered sensitive. Additionally, the County's Guidelines for the Implementation of the CEQA state that "although Mixed chaparral is not general considered sensitive at this time in San Diego County, the presence of certain sensitive species or the association of chaparral vegetation with another type of sensitive habitat, such as oak woodland may cause it to be considered sensitive in some situations." In the case of the Orchard Run property, no sensitive plant or animal species are associated with the chaparral habitat and mitigation is not required.

12. The final EIR should address consistency with the NCCP program, growth inducing/enabling impacts and mitigation, should quantify direct, indirect, permanent, and temporary impacts, and the adequacy of the proposed mitigation.

Department Response: Please see responses to Comments B.1., C.3., C.5., and C.6.

- D. On January 28, 1997, the California Department of Transportation, District 11, responded with the following concern:

1. The EIR should address the regional and cumulative impacts to State highway facilities, including interchanges, and the developer should provide fair share contributions toward present and future mitigation of State highway improvements.

Department Response: The draft EIR contains a transportation impact analysis that assesses impacts to all of the roadways and intersections in the Valley Center area. Interstate 15 (I-15) is located over seven miles to the west of the project site. The closest interchanges are located at Gopher Canyon Road near Champagne Boulevard and Lawrence Welk Villages and El Norte Parkway in Escondido. Northbound traffic wishing to use I-15 is likely to use the Gopher Canyon Road Interchange while southbound traffic is likely to travel through Escondido to use the State Route (SR) 78 Interchange. The distance of Valley Center and the proposed project from the subject freeway interchanges makes task of analyzing impacts and fair share contribution for the improvement of these facilities speculate at best. There does not appear to be a suitable nexus between the proposed project and potential impacts to State highway facilities to warrant mitigation measures for the improvement of these facilities.

- E. On January 3, 1997, the Valley Center Municipal Water District (VCMWD) responded with the following concerns:

1. The developer's engineer will be required to submit a preliminary design report showing the proposed water system additions will meet all applicable requirements.

Department Response: The developer's engineer will submit a preliminary design report to the VCMWD showing the proposed water system additions. No additional environmental impacts not already considered in the EIR are anticipated as the existing water mains within Mirar de Valle Road, Lilac Road, and Betsworth Road are adequate to serve the proposed project.

2. The developer's engineer will be required to submit a preliminary design report for the sewer collection system for VCMWD approval.

Department Response: The developer's engineer will submit a preliminary design report for the sewer collection system for VCMWD approval. Because the proposed Valley Center wastewater treatment facility is located within the Future Planning Area of the proposed project, no additional environmental impacts will result from the construction of the sewage collection system that were not already addressed in the EIR.

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3. The developer's engineer will be required to evaluate the potential uses of recycled water within the project, including within open space areas.

Department Response: Along with the water and sewer design reports, the developer's engineer will evaluate the use of recycled water within open space areas in the project. The proximity of the proposed project to the proposed wastewater treatment facility will make the use of reclaimed water for irrigation an attractive option for both projects.

4. The cumulative impact that the proposed project and other projects in the area may have on water quality down stream in Turner Lake and Moosa Creek should be assessed.

Department Response: No development is proposed within the Moosa Creek floodplain. The Orchard Run property is currently used for agriculture, thus contributing to agricultural runoff during storm events. Soil erosion would be the most notable current impact. Development of the Orchard Run project will greatly reduce the potential for soil erosion, but will increase the potential for urban-type runoff from lawns and roadways. On-site storm drainage systems will be constructed that will include sediment and grease traps in order to minimize water quality impacts down stream in Moosa Creek. Runoff during construction will be controlled and minimized by erosion control measures required by the County Grading Ordinance.

5. Section 2.8.5 should probably say that all public services are expected to be available.

Department Response: Sewer service is not currently available within the Valley Center area. The EIR will be revised to state that all public services are expected to be available at the completion of project construction. Construction of the proposed project will not begin until there is a guarantee that sewer service will indeed be available at the time the first residences are available for occupancy.

- F. On December 27, 1996, the San Diego County Archaeological Society responded with the following comment:

1. Based on the information contained in the draft EIR, we agree that the project should have no significant impacts to cultural resources.

Department Response: Comment noted. No response necessary.

G. On January 6, 1997, the Endangered Habitats League responded with the following concerns:

1. A fiscal impact analysis should be performed so as to disclose any subsidy supplied at taxpayer expense or net drain to the County budget.

Department Response: Section 15131(a) of the CEQA Guidelines states that "Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any greater detail than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes."

The draft EIR has concluded that project impacts to land use/community character, visual quality, and agriculture are significant and not mitigable. A public facilities financing plan, dated November 15, 1995, was prepared for the proposed project by Alcor Engineering and was submitted to the County with the proposed Specific Plan and Tentative Map. This plan provides an analysis of available methods to finance the needed facilities and recommends specific mechanisms for consideration in funding the improvements. The recommended financing methods for facilities directly impacted by the proposed project are as follows:

Roads	Developer Exaction
Water	Developer Exaction and Connection Fees
Wastewater	Assessment District and Developer Exaction
Public Parks	Parkland Dedication Fees
Flood Control/Storm Drainage	Developer Exaction
Schools	School Facilities Fees and/or Mello-Roos Fees
Fire Protection and Emergency Services	Fire Mitigation Fees

As the previous information suggests, the costs of providing services to the proposed project will be the responsibility of the developer and will therefore ultimately be passed on to the future residents of the proposed community. There is no evidence that subsidies for the proposed project will be supplied at taxpayer expense or net drain to the County budget.

2. Mitigation for impacts to land use, community character, visual quality, or agriculture should be in the form of the purchase of development rights on nearby agricultural land.

Department Response: While this may be the adopted policy of the City of Davis, it is not a requirement in the County of San Diego. The EIR has been revised to discuss purchase of development rights on nearby agricultural land as an infeasible mitigation measure, the reasons this measure could reduce significant agricultural impacts, and the reasons why this measure has been determined to be infeasible.

Currently, the County has no enforceable mechanism to require land to remain in agricultural production. Easements limit new uses on land but cannot require an operation such as farming to continue. An alternative legal process to implement this proposed measure has not been established by the County. Therefore, this proposed measure is not feasible because it is not capable of being accomplished in a successful manner within a reasonable period of time.

Additionally, the identified significant land use/community character, visual quality, and agricultural impacts are related to development of the site in its context to adjacent uses and its visibility within the Country Town or "town center". Because the impacts are not due to general development and loss of prime agricultural land, the County does not see the rationale why off-site preservation would mitigate these site specific impacts.

The proposed project is in conformance with the Valley Center Community Plan and the Orchard Run Specific Plan. Regional issues such as the preservation of community character, visual quality, and agriculture are addressed in the Community Plan.

3. No surveys were performed for CEQA-sensitive raptor species. Mitigation for impacts to raptor foraging habitat should be at a minimum of 1:1 and should preferably be within a preserve system.

Department Response: The biological technical reports note that field surveys were conducted to assess biological resources of the site including raptors. The reports note that Red-tailed hawks were the only raptors observed on-site. In addition, the biological technical report and Section 2.7.1 of the EIR states that the cultivated fields provide foraging habitat for raptors such as Red-tailed hawks and that the Eucalyptus and oak trees may provide roosting and nesting habitat for the raptors. Section 2.7.3 of the EIR states that raptors would be impacted by the loss of foraging habitat and that while adverse, this impact is not considered significant due to the absence of any State or Federally listed threatened or endangered species on the project site. Because impacts are not considered significant, mitigation is not required.

H. On January 27, 1997, Ms. Norma Sullivan responded with the following concerns:

1. How will sewage produced by the proposed project be handled?

Department Response: The proposed project anticipates the construction of a community sewage treatment facility by the County of San Diego that will serve the project site.

2. What is the current zoning on the proposed project site?

Department Response: The EIR has been revised on Page 2-2 to note the current zoning. The project site is currently zoned S88 which is the use regulation for a Specific Plan Area. The maximum allowed density is 7.3 residential units per acre.

3. The proposed project is not compatible with the adjacent dairy. Residents will complain about odors and flies despite the proposal to disclose this information.

Department Response: Page 2-5 of the EIR states that "the disparity in land uses between the proposed residential development and the existing dairy is regarded as a significant impact." The EIR goes on to state that the proposal to disclose the potential nuisance problem to residents will not fully mitigate the significant land use conflict between residential and agricultural uses. Page 2-30 of the EIR also states that placing new residential uses adjacent to an existing dairy will significantly impact that agricultural operation. Although disclosure of the proximity of the dairy and its associated nuisances to new residents and buffering will reduce these impacts to agriculture, the impacts are considered significant and not mitigable.

4. The buffer between the proposed project and the adjacent dairy is inadequate. Ultimately the dairy will be driven out of Valley Center and the area's rural character will suffer.

Department Response: Page 2-5 of the EIR states that "a buffer with a minimum width of 100 feet is proposed adjacent to the Konyn Dairy and would be planted with additional large trees and understory shrubbery to screen the dairy from the view of the Orchard Run development. While this landscaping would be an effective visual screen, it would not reduce the odor and fly problems typically associated with dairy operations." The buffer is not considered adequate and impacts to land use/community character, visual quality, and agriculture are considered significant and not mitigable.

04-0065

B-11

5. Much wider buffers would protect both homeowners and agriculture while providing additional wildlife habitat, open space, and rural ambiance.

Department Response: A reduced alternative was addressed in the EIR (Page 4-1). Although this alternative did not specify wider buffers, it proposed fewer lots (53) with a 4 acre minimum lot size and would provide less development areas and more buffering open areas. The EIR concluded that significant impacts to land use/community character would be avoided, but impacts to visual quality, agriculture, and biological resources, although reduced, would remain significant. This alternative was rejected because it did not meet the project objective of providing a type and density of housing that does not exist in Valley Center.

- I. On January 17, 1997, Mr. Thomas C. Again responded with the following concerns:

1. The density of the proposed project is greater than the surrounding area and exceeds that allowed by the Valley Center Community Plan. No mitigation is proposed for this exceedance.

Department Response: Page 2-6 of the EIR states that "the introduction of a higher-density of residential development to the Valley Center area would result in a significant impact to the rural community character. This impact also cannot be mitigated below a level of significant." While greater than the existing density of adjacent development, the density of the proposed project is in conformance with the Valley Center Community Plan which designates the subject property as the Orchard Run Specific Plan Area. Allowed densities are 7.3 units per acre north of Moosa Creek and 1.5 units per acre south of Moosa Creek.

2. The sewer bond issue will not pass because of the fear that it will allow in increase in the density of development.

Department Response: Comment noted.

3. The project should be denied because the impact to the rural community character will be significant and not mitigable.

Department Response: Comment noted.

4. The history of housing development in Southern California is not addressed and will be a significant impact of the development. Specifically, development adjacent to agricultural areas is prone to neglect and deterioration. Pressure will also be put on adjacent agricultural operations that will also cause their ultimate demise.

Department Response: The EIR must address the potential environmental impacts associated with the construction of the

project as proposed. The financial viability of the proposed project and the pride of ownership that the future residents will display are socio-economic impacts that may be addressed through the planning process, but that are not appropriate for inclusion within an EIR. As for the impact on and eventual demise of agriculture adjacent to the proposed project, the EIR acknowledges this and states on Page 2-30 that "indirect impacts to agricultural lands are significant and not mitigable. Indirect impacts may occur which involve conflicts between new residents and adjacent dairy operations. These significant agricultural impacts have been anticipated as is evidenced by the Valley Center Community Plan update and the adoption of the Agricultural Enterprises and Consumer Information Ordinance. However, the mitigation measures would not reduce impacts to a level below significance."

5. The traffic volumes and configurations of the proposed project will increase the number of accidents in the area and may lead to several fatalities each year. Alternatives should be discussed that reduce traffic impacts, either through the use of public transportation or the reconfiguration of roadway.

Department Response: The proposed traffic configurations have been reviewed by traffic engineers for the County DPW and all traffic safety impacts can be mitigated to below a level of significance. A number of design features such as the widening of roads, the addition of turn-lanes and the provision of adequate line-of-site vision on to area roadways will be made conditions of project approval. Alternatives to reduce traffic volumes such as the use of public transportation are not included in the analysis of traffic impacts because such alternatives are not feasible for a developer to implement and are not enforceable. Alternative access points were not addressed because the proposed access points were determined by the DPW to be in the safest locations considering the streets that abut the site. With the conditions/mitigation measures, all access points will be able to meet County standards and will provide safe and adequate access to and from the site.

6. What is the fair share contribution to the proposed sewer system? The project proponent should pay a greater share of the cost of the sewer than others pay for connection. All payments should be up-front and in cash to avoid finance charges.

Department Response: The financing of the Valley Center sewer system is not a topic of concern in the Orchard Run EIR as it does not directly relate to the environmental impacts of the proposed project. The project is only required to obtain a valid commitment from the public sewer agency that sewer is available. Financing obligations will be established by that public sewer agency.

7. Impacts to local schools are not adequately addressed by the EIR.

Department Response: While the impact that growth and development has on our public school systems is a valid concern that must be addressed, the courts have determined that it is not necessarily appropriate that it be included in the EIR. In the recent Goleta Union School District vs. The Regents of the University of California, the court found that increased student enrollment is a socio-economic impact not an environmental impact, and that mitigation could not be required under the CEQA.

8. The draft EIR is incomplete, unimaginative, vague in some critical areas, and has omitted a number of issues that readily came to mind during review by a person not versed in preparation or review of an EIR.

Department Response: Section 15151 of the State Guidelines for the Implementation of the CEQA states that "an EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently take account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure." It is the County's opinion that the Orchard Run EIR fully meets both County and State standards for adequacy.

9. It is recommended that the County Department of Planning and Land Use reject the project based on the EIR as written.

Department Response: Comment noted.

**STATEMENT OF LOCATION AND CUSTODIAN OF DOCUMENTS
OR OTHER MATERIALS THAT CONSTITUTE A RECORD OF PROCEEDINGS**

The CEQA (Section 21081.6[d]) requires that the lead agency (in this case the County of San Diego) specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based. It is the purpose of this statement to satisfy this requirement.

Location of documents and other materials which constitute the record of proceedings:

County of San Diego
Clerk of the Board of Supervisors
1600 Pacific Highway, 4th Floor
San Diego, California 92101

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123

Custodian:

County of San Diego
Clerk of the Board of Supervisors
1600 Pacific Highway, 4th Floor
San Diego, California 92101

County of San Diego
Department of Planning and Land Use
Project Processing/File Room Clerk
5201 Ruffin Road, Suite B
San Diego, California 92123

Project Name:

Orchard Run Specific Plan and Tentative Map

Reference Case Numbers:

SP 95-004, TM 5087RPL¹, Log No. 95-8-33, Clearinghouse #96101050

STATEMENT OF OVERRIDING CONSIDERATIONS

The project would have significant, unavoidable impacts on the following areas, described in detail in Section I of these Findings of Fact:

- Land Use/Community Character
- Visual Resources
- Agriculture

The County has adopted all feasible mitigation measures with respect to the project's impacts. The County has also examined a reasonable range of alternatives to the project and has determined that none of these alternatives reduce these significant land use/community character, visual, or agricultural impacts to an insignificant level. Therefore, pursuant to Sections 15043 and 15093 of the CEQA Guidelines, the County must adopt a Statement of Overriding Considerations for the Orchard Run Specific Plan and Tentative Map. To the extent the significant effects of the project are not avoided or substantially lessened to a level of insignificance, the County having reviewed and considered the information contained in the final EIR for the Orchard Run Specific Plan and Tentative Map, and having reviewed and considered the information contained in the public record, and having balanced the benefits of the project against the unavoidable effects which remain, finds that such unmitigated effects are acceptable in view of any one of the following economic, social, or other benefits:

Implementation of Valley Center Community Plan

The proposed project is in conformance with the site's (21) Specific Plan Area Designation on the Valley Center Community Plan. Implementation of this and other permitted development will enable the Valley Center Community to realize the land use and other goals detailed in the Community Plan. For example, construction of the housing proposed by the Orchard Run project will create the need to expand local commercial services using currently vacant property which has been designated for commercial use. This meets the following Land Use Goal as stated on Page 6 of the Valley Center Community Plan: "Provide a land use pattern which will give the Valley Center Community Planning Area the opportunity to remain economically and socially viable."

By enabling higher density residential development to occur within the Country Town where the Orchard Run project is located, the pressure to develop additional housing within agricultural areas of the community is reduced. During the most recent update of the Valley Center Community Plan in 1990, the size of the Country Town was reduced from 2,337 acres to 662 acres and the following "finding" was made in the Community Character Element (Page 4) of the Community Plan: "The community character of Valley Center will best be maintained by a decrease in density from the Country Town outward to the exterior limits of the planning area. The two Country Town boundaries identify the two existing nodes of industrial, commercial and residential land

uses. It is the intent of the community to keep low density residential and agricultural areas of Valley Center free from industrial and major commercial encroachments."

Social

The proposed project will include the construction of housing that will be affordable to households meeting the County Department of Housing and Community Development's definition of very low to moderate income and will fill a need identified in the "findings" of the Housing Element (Page 59) of the Valley Center Community Plan as follows: "Housing for low to moderate income families in Valley Center is limited by high land cost and lack of infrastructure necessary to support multi-family housing densities. At the same time labor intensive crops such as citrus and avocado development have increased resulting in a demand for agricultural or day laborers in Valley Center, minimum wage earners working in Valley Center cannot afford the cost of housing without community support of affordable housing programs. Neither can moderate income families attain decent housing without the same support."

To meet this identified need for affordable housing, the Housing section of the Valley Center Community Plan text contains Policy 11 (Page 61) which states in fact: "Certain sites have been identified within the Valley Center Community Plan Area as potential sites for the construction of moderate, low and very low income housing. These sites are designated on the Community Plan Map with the symbol '#' followed by a letter 'a' or 'b'." The portion of the Orchard Run site located north of the Moosa Creek floodplain is designated by the letter "b" which permits an overall density of 7.3 dwelling units per acre. Housing Policy 11 further states in fact: "A contract shall be executed with the Department of Housing and Community Development based upon the applicant selecting one of the following options which includes eligibility, rental rate and housing cost criteria." Approval of the Orchard Run Specific Plan (SP 95-004) and Tentative Map (TM 5087RPL') will be conditioned on the applicant executing such a contract with the County of San Diego in accordance with Policy 11.

Open Space

The proposed project incorporates open space to preserve Moosa Creek and its floodway and to provide a buffer between the higher residential densities of the project and the surrounding community. The Specific Plan requires a total of 29.4 acres of open space as follows: 1) 18.9 acres of floodplain open space; 2) 9.1 acres of greenbelt open space; and 3) 1.4 acres for community recreation. The Tentative Map complies with these minimum open space requirements and increases total open space to 39.8 acres as follows: 1) 19.2 acres of floodplain open space; 2) 18.6 acres of greenbelt open space; and 3) 2 acres for community recreation. This open space will help to preserve the rural and open space character of Valley Center while accommodating a variety of housing opportunities needed in the community.

Public Health and Safety

Within the Orchard Run Specific Plan a "Future Planning Area" (Lot 148 of TM 5087RPL¹) has been designated for a possible site for the construction of a wastewater reclamation plant (WRP) for the Valley Center community sewer. This WRP could provide an option to solve sewage treatment issues caused by existing high groundwater conditions in the central valley area of the community. High groundwater has caused failure of septic systems and created a public health concern resulting in a moratorium on issuance of building permits. Because septic systems are not feasible in areas of high groundwater, an alternative solution is required to enable Valley Center to achieve the residential, commercial, and industrial land uses designated by the Valley Center Community Plan for the Country Town area. In addition to designating a site for the WRP, the Orchard Run project will be required to make financial contributions for the construction of the plant, and will provide a supply of wastewater for treatment which is necessary for the plant to become operational.

The Orchard Run project will also provide public safety improvements to the circulation system in the Valley Center community through direct improvement of roads to Circulation Element standards and through contributions to major road improvements and intersection signalization. This includes off-site improvements to Lilac Road and Mirar de Valle and financial contributions to the construction of a signalized intersection at Mirar de Valle and Valley Center Road. This will provide a benefit through the reduction of existing traffic congestion and the improvement of roadway safety.

FINDINGS CONCERNING MITIGATION OF SIGNIFICANT EFFECTS

Pursuant to Section 21081 of the CEQA, the following findings are made for each of the significant effects identified in the EIR for the Orchard Run project:

1. LAND USE/COMMUNITY CHARACTER

Significant Effect: The proposed project would result in significant land use impacts. These impacts are associated with the introduction of a residential density not yet existing in the rural Valley Center community adjacent to an existing dairy farm. Examples of the potential land use conflicts between the existing dairy and proposed development are acts of vandalism against the dairy and excessive dust, noise, odors, chemicals, flies, and rodents in the new development.

Finding: Changes or alterations have been required in or incorporated into the project which avoid or substantially lessen this effect. However, despite these changes and alterations to project design, impacts to land use and community character remain significant. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. These mitigation measures are as follows:

Mitigation Measures:

- 1A. The developer of the Orchard Run project would disclose within all lease, rental and/or sales agreements, that the property is adjacent to agricultural uses and is therefore subject to noise, odors, dust, insects, rodents, and chemicals in excess of the typical suburban community.
- 1B. The developer of the Orchard Run project would incorporate a greenbelt buffer between the dairy and the residential neighborhoods and would construct the homes in phases in order to reduce the impacts created by the two conflicting land uses and conversion of open fields to homes. These project design features would reduce impacts but would not fully mitigate impacts to land use or community character below a level of significant.

Rationale: Mitigation Measures 1A. and 1B. have been added to the conditions of approval to minimize land use/community character impacts. Mitigation Measure 1A. requires a disclosure statement be provided with all lease, rental, or sales agreements. The purpose of this disclosure statement is to inform prospective residents that the property is located in an agricultural area and that certain characteristics of agricultural operations, such as noise, dust, insects, rodents, and chemicals may be considered a nuisance. This disclosure statement is in conformance with the Agricultural Enterprises and Consumer Information Ordinance which was passed by the County to protect agricultural operations from unwarranted

nuisance complaints from new residents and to inform prospective purchasers of property in agricultural areas of the conditions that they are likely to experience. This mitigation measure would not mitigate community character impacts and land use impacts associated with the dairy below a level of significant, but would help to protect the existing agricultural uses surrounding the project site from nuisance complaints from new residents of the Orchard Run development. It would also serve as a reminder to the new residents of this community that it is adjacent to agricultural uses and that there are certain characteristics of agriculture that are considered to be a nuisance.

Mitigation 1B. consists of the inclusion of a greenbelt buffer zone in the project design. This buffer zone will allow for visual screening between the existing agricultural operations and the proposed homes. The increased setback of homes from the property line will also reduce noise, dust, and odor impacts. The physical separation between the two conflicting land uses and the visual screening afforded by dense landscaping along the property line will reduce land use impacts and the associated impact to community character, but not to below a level of significant.

The Reduced Project Alternative would create 53 single-family residential lots with a minimum lot size of two acres. This alternative would reduce impacts to Land Use/Community Character by creating lots more consistent with existing lot sizes. Visual impacts would be reduced, but would remain significant due to the change in land use. Agriculture impacts would be similar to the project because any conversion to residential land use would create conflict with the existing dairy. Impacts to traffic, noise, biology and public services would be reduced. The Reduced Project Alternative is infeasible because it does not achieve the project objective/Valley Center Community Plan requirement of developing a marketable residential project that provides housing for very low, low and moderate income households within an attractive planned community. The large lot development of the Reduced Project Alternative would not provide affordable housing to very low, low and moderate income households.

Under the No Project Alternative, the proposed project would not be built and the site would remain in agricultural uses or would be left fallow. This alternative would reduce all significant impacts associated with the project. The No Project Alternative is infeasible because it does not achieve any of the project goals and objectives.

2. VISUAL QUALITY

Significant Effect: The conversion of the project site from an open agricultural field into a high-density residential community and the construction of seven to eight foot high noise barriers will result in a significant impact to visual resources in the Valley Center community.

Finding: Changes and alterations have been required in or incorporated into the project which avoid or substantially lessen this effect. Impacts to visual quality, however, will remain significant. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. These mitigation measures are as follows:

Mitigation Measures:

Visibility

- 2A. The developer of the Orchard Run project would plant trees and shrubs in the perimeter open space buffers to supplement the existing Eucalyptus stands found along the project boundaries.
- 2B. If masonry noise walls are selected for noise attenuation, the Valley Center Design Guidelines states that when used along public streets, they shall have a recess for landscaping at a minimum of 50 foot intervals. The inclusion of a wood rail fence in front of the noise barrier would further reduce the visual impact by providing continuity of design.

Scenic Qualities

- 2C. The developer of the Orchard Run project would preserve the Moosa Creek floodplain within open space lots, thus reducing impacts to the visual amenities of the site.
- 2D. The five estate lots on the more steeply sloping portions of the property, located on the knoll in the southwestern corner, would utilize custom pads in order to minimize the effects of grading (Lots 212-216). This would be accomplished through confining the grading to each of the five house pads and driveways while preserving the remainder of the natural topography and vegetation on each lot. This is in contrast to the mass grading of the remainder of the residential development areas where the entire lots would be graded. No cut or fill slopes would be created in excess of 15 feet anywhere on the project site.

Rationale: While the visual impacts of the proposed project are considered to be unmitigable below a level of significant due to the conversion of agricultural open space to residential development of a density higher than currently exists in the Valley Center community, mitigation measures have been proposed to reduce this impact.

Mitigation Measure 2A. has been included to limit views of the project site from the neighboring roads and properties and to limit the views of the roads and adjacent land uses from the project site. This vegetative screening would be visually compatible with the existing community character and would block views and reduce the adverse visual impacts

identified for the introduction of higher density residential development within the more rural and agricultural Valley Center area.

Mitigation Measure 2B. calls for landscaping of noise walls within recessed areas in order to break the monotonous plane and lessen the visual impact caused by the height and length of the walls. The plantings referred to in Mitigation Measure 2A. and the inclusion of a wooden railed fence referred to in Mitigation Measure 2B. would also provide screening and relief to the visual impact of the noise barriers. This would help the Orchard Run community blend in with the existing rural community character.

Mitigation Measure 2C. requires that the Moosa Creek floodplain be placed within open space lots. These open space lots will reduce the overall density of the proposed development and will preserve an area of grasslands, wetlands, and riparian vegetation as a visual resource for the community. This mitigation measure will separate the Orchard Run project into two smaller distinct neighborhoods and will also provide a visual corridor connecting the project open space with lands to the east and west.

Mitigation Measure 2D. requires that the five estate lots located on the southwestern knoll be custom graded. This will preserve the general topography of this distinct landform by not mass grading it along with the remainder of the site. Although preservation is not required as biological mitigation, the custom grading will also allow for the preservation of some of the native chaparral and scrub oaks that cover the knoll. This mitigation measure reduces the visual impacts that would be associated with mass grading of the knoll. Mass grading would scrape the knoll bare of all vegetation and would alter the landform by creating flat lots on what is currently a gently to moderately sloping hillside. The preservation of the landform and areas of native vegetation along with the one acre size of the lots will allow the five custom home sites to create a transition between the higher density Orchard Run community and adjacent properties.

The Reduced Project Alternative would create 53 single-family residential lots with a minimum lot size of two acres. This alternative would reduce impacts to Land Use/Community Character by creating lots more consistent with existing lot sizes. Visual impacts would be reduced, but would remain significant due to the change in land use. Agriculture impacts would be similar to the project because any conversion to residential land use would create conflict with the existing dairy. Impacts to traffic, noise, biology and public services would be reduced. The Reduced Project Alternative is infeasible because it does not achieve the project objective/Valley Center Community Plan requirement of developing a marketable residential project that provides housing for very low, low and moderate income households within an attractive planned community. The large lot development of the Reduced Project Alternative would not provide affordable housing to very low, low and moderate income households.

Under the No Project Alternative, the proposed project would not be built and the site would remain in agricultural uses or would be left fallow. This alternative would reduce all significant impacts associated with the project. The No Project Alternative is infeasible because it does not achieve any of the project goals and objectives.

3. AGRICULTURE

Significant Effect: The proposed project will impact a 118 acre parcel in the Valley Center community, most of which is currently used for agriculture. In addition to taking this acreage out of agricultural production, the proposed residential development could indirectly impact adjacent agricultural lands in the form of potential crop damage and nuisance complaints from the new residents.

Finding: Changes or alterations have been required in or incorporated into the project which would avoid or substantially lessen this effect. Impacts to agriculture, however, would remain significant. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. These mitigation measures are as follows:

Mitigation Measures:

- 3A. The developer of the Orchard Run project would disclose within all lease, rental, and/or sales agreements, that the property is adjacent to agricultural uses and is therefore subject to noise, odors, dust, insects, rodents, and chemicals in excess of the typical suburban community. This mitigation measure would not mitigate agricultural impacts associated with the dairy below a level of significant, but would help to protect the existing agricultural uses surrounding the project site from nuisance complaints from new residents of the Orchard Run development. It would also serve as a reminder to the new residents of this community that it is adjacent to agricultural uses and that there are certain characteristics of agriculture that are considered to be a nuisance.
- 3B. The developer of the Orchard Run project would incorporate a greenbelt buffer between the dairy and the residential neighborhoods and would construct the homes in phases in order to reduce the impacts created by the two conflicting land uses.
- 3C. Purchase development rights on 118 acres of off-site agricultural land.

Rationale: The mitigation measures proposed for significant impacts to land use and community character (1A. and 1B.) are also proposed to mitigate for impacts to local agricultural production (Mitigation Measures 3A. and 3B.). This is because agriculture is a predominant land use in the Valley Center community and helps to define the community's

character. Therefore, the disclosure of nuisances associated with agriculture to prospective future residents will reduce impacts to existing agricultural operations associated with nuisance complaints. Also, the inclusion of a greenbelt open space will provide for physical separation and visual screening between existing agricultural operations and the proposed residential community. This will reduce conflicts between the future residents of the Orchard Run community and existing agricultural operations.

Mitigation Measure 3C. has been determined to be infeasible. Currently, the County has no enforceable mechanism or policy to require land to remain in agricultural production. Easements limit new uses on land, but cannot require an operation, such as farming, to continue. An alternative legal process to implement this proposed measure has not been established by the County. Therefore, this proposed measure is infeasible because it is not capable of being accomplished in a successful manner within a reasonable period of time.

The Reduced Project Alternative would create 53 single-family residential lots with a minimum lot size of two acres. This alternative would reduce impacts to Land Use/Community Character by creating lots more consistent with existing lot sizes. Visual impacts would be reduced, but would remain significant due to the change in land use. Agriculture impacts would be similar to the project because any conversion to residential land use would create conflict with the existing dairy. Impacts to traffic, noise, biology and public services would be reduced. The Reduced Project Alternative is infeasible because it does not achieve the project objective/Valley Center Community Plan requirement of developing a marketable residential project that provides housing for very low, low and moderate income households within an attractive planned community. The large lot development of the Reduced Project Alternative would not provide affordable housing to very low, low and moderate income households.

Under the No Project Alternative, the proposed project would not be built and the site would remain in agricultural uses or would be left fallow. This alternative would reduce all significant impacts associated with the project. The No Project Alternative is infeasible because it does not achieve any of the project goals and objectives.

4. TRAFFIC

Significant Effect: The proposed project will have a significant impact on traffic in the Valley Center community as project-generated trips are added to the roadways. The traffic impacts will be in the form of reduced levels of service on roadway segments and at intersections.

Finding: Changes or alternatives have been required in or incorporated into the project which avoid or substantially lessen this effect. These mitigation measures are as follows:

Mitigation Measures:

- 4A. The developer of the Orchard Run project would provide a fair share contribution for the proposed Valley Center Road improvements (UJ 1101). Fair share value for road improvements would also be provided by the developer of the Orchard Run project for the realignment of the Lilac Road intersection with Valley Center Road as proposed by the Valley Center Road widening project (UJ 1101).
- 4B. The developer of the Orchard Run project would construct half-width improvements and realignment to County standards for the northern half of Mirar de Valle along the project frontage east to Valley Center Road. These improvements would include appropriate curb, gutter, and sidewalks. Dedication of necessary right-of-way for Collector Road standards would be assured. The neighboring development on the south side of Mirar de Valle will have a similar condition for the south half of this roadway. The off-site improvement of Mirar de Valle may be constructed separately from the on-site improvements, but would be constructed to the same standards. The improvement of Mirar de Valle would mitigate significant impacts to this roadway that would be caused by traffic volumes in excess of what the roadway can currently handle at Level of Service (LOS) "C" and would improve the safety of a non-standard roadway.

Rationale: Mitigation Measure 4A. requires a fair share contribution for the on-going Valley Center Road improvements (UJ 1101) including the realignment of the Lilac Road intersection with Valley Center Road. This mitigation measure would allow the project proponent to contribute towards the cost of the improvement of local roadways that will be used by the future residents of the proposed project. Without these already approved road improvements, project-generated traffic would result in significant impacts to Valley Center Road and Lilac Road as the LOS on Valley Center Road would be worse than LOS "D". With the Valley Center Road improvements traffic will operate at LOS "B", which is acceptable.

Mitigation Measure 4B. requires the construction of half-width improvements and the realignment to County standards for the northern half of Mirar de Valle along the project frontage east to Valley Center Road. These improvements would include appropriate curb, gutter, and sidewalks, and the dedication of necessary right-of-way for Collector Road standards. The improvement of Mirar de Valle would mitigate significant impacts that would be caused by project-generated traffic by increasing the LOS to better than LOS "C", which is acceptable. The improvements to the roadway would also increase the safety of a non-standard roadway as the realignment of the roadway would eliminate two sharp turns, and provision of sidewalks would remove pedestrians from the roadway.

5. NOISE

Significant Effect: The proposed project will not result in significant noise impacts to the surrounding community. Traffic noise on adjacent roadways, however, will result in significant impacts to future residents. Also, noise from a water reclamation facility proposed adjacent to residential lots could result in significant noise impacts that may not be fully mitigated by the design of the water reclamation facility.

Finding: Changes or alterations have been required in, or incorporated into the project which would avoid or substantially lessen this effect. These mitigation measures are as follows:

Mitigation Measures:

- 5A. The needed exterior noise attenuation for Lots 1-3 and 32-36 located along the northern project boundary is 10 decibels (dB). This could be achieved by constructing a seven to eight foot high noise barrier along Lilac Road. However, since such barriers can be visually intrusive along subdivision perimeters, a combination wall and berm with a total height of seven to eight feet would also achieve the required noise reduction. Alternatively, a 7.5 foot landscaped berm could achieve the required noise attenuation along the northern tier of development.
- 5B. A 6 foot barrier height separating any exterior recreational space on the estate residential pads (Lots 212-215) from view of the roadway will bring exterior noise levels in backyards to 60 dB or less depending on final pad heights. However, sensitive design of the pads could also provide the needed 6 dB noise reduction for Estate Lots 212-215 along Mirar de Valle. For similarity, the tract homes adjacent to Mirar de Valle (Lots 149, 177, and 182-185), a 6 foot high wall would achieve the required noise level reduction of 6 dB or less. Lots 186 and beyond are either outside the 60 dBA Community Noise Equivalent Level (CNEL) zone or the field of view is restricted by the hillside between the proposed homes and Mirar de Valle.
- 5C. Eighteen decibels (18 dB) of structural attenuation is needed for Lots 149, 177, and 182-185 located along Mirar de Valle and 25 dB of structural attenuation would be necessary for lots adjacent to Lilac Road to achieve the 45 dBA CNEL interior standard. Structural attenuation would need to be determined once residential footprints and floorplans have been developed. Acoustical upgrades may be required for the northern face of homes backing up to Lilac Road if they are constructed with two stories.

To mitigate traffic noise on Mirar de Valle and Lilac Road, the following mitigation measure shall be required:

- 5D. To mitigate traffic noise for residential Lots 1-3, 32-36, and 80-83, adjacent to Lilac Road, and for residential Lots 149, 177, 182-185, and 212-215, adjacent to Mirar de Valle Road, the Tentative Map shall require a noise protection easement requiring a Site Plan for noise mitigation. Prior to building permit issuance or prior to recordation of a Final Map, the Site Plan shall demonstrate that dwellings and "noise sensitive" outdoor living areas of affected lots would not be impacted by traffic noise levels exceeding CNEL=60 dB and that the traffic noise levels inside the residences would not exceed CNEL=45 dB. If a Site Plan demonstrating noise mitigation as specified herein is approved prior to recordation of the Final Map, no noise protection easement need be recorded for the lots with such an approved Site Plan.
- 5E. To mitigate traffic noise for apartment Lot 25, the Specific Plan text shall contain a statement of objectives and standards which will require a Site Plan for noise mitigation. Prior to building permit issuance or prior to recordation of a Final Map, the Site Plan shall demonstrate that dwellings and "noise sensitive" outdoor living areas would not be impacted by noise levels exceeding CNEL=60 dB and that the noise levels inside the residences would not exceed CNEL=45 dB.

To mitigate potential water reclamation plant noise, the following mitigation measures shall be required:

To mitigate water reclamation plant noise for single-family Lots 24, 70-75, 232, 233, 240, and 241 and townhome Lot 25, the Tentative Map shall require a noise protection easement requiring a Site Plan for noise mitigation. Prior to building permit issuance or prior to recordation of a Final Map, the Site Plan shall demonstrate that dwellings and "noise sensitive" outdoor living areas of affected lots would not be impacted by noise levels exceeding the applicable limits of the County of San Diego Noise Ordinance and that the noise levels inside the residences would not exceed CNEL=45 dB. If subsequent plans prepared for the water reclamation facility and approved by the County of San Diego prior to recordation of the Final Map demonstrate noise mitigation as specified herein, no noise protection easement need be recorded.

- 5F. To mitigate water reclamation plant noise for apartment Lot 25, the Specific Plan text shall contain a statement of objectives and standards which will require a Site Plan to mitigate noise impacts. Prior to building permit issuance the Site Plan shall demonstrate that dwellings and "noise sensitive" outdoor living areas would not be impacted by noise levels exceeding the applicable limits of the County of San Diego Noise Ordinance and that the noise levels inside the residences would not exceed CNEL=45 dB. If subsequent plans prepared for the water reclamation facility and approved by the County of San Diego demonstrate noise mitigation as specified

herein, no mitigation for reclamation plant noise need be provided by the developer of Orchard Run.

The combination of noise walls/berms and sensitive site design for the estate lots would mitigate any significant noise impacts associated with the Orchard Run project.

Rationale: Mitigation Measure 5A. requires that projected exterior noise levels be reduced by 10 dB for Lots 1-3 and 32-36. The purpose of this mitigation measure is to provide for an exterior noise level in the rear yard of homes that meets County noise criteria of 60 dB. The noise technical study concluded that traffic noise from adjacent roadways could exceed 60 dB on these lots if no shielding is provided. This measure will provide shielding that will reduce outside noise impacts below 60 dB.

Mitigation Measure 5B. requires a 6 dB reduction for any exterior recreational space on the estate residential pads (Lots 212-215) from view of the roadway. This noise reduction will bring exterior noise levels in backyards to 60 db or less depending on final pad heights. The 6 dB reduction may be achieved by sensitive design of the pads or by constructing a 6 foot high noise wall.

Mitigation Measure 5C. requires 18 dB of structural attenuation for Lots 149, 177, and 182-185 located along Mirar de Valle and 25 dB of structural attenuation for lots adjacent to Lilac Road. This noise attenuation will achieve the 45 dBA CNEL interior standard. The interior CNEL 45 dB is required by the State Noise Insulation Standards and applies to all interior rooms, including those in single-family dwellings and low density residential uses.

Mitigation Measure 5D. requires the project proponent to mitigate for traffic noise on residential Lots 1-3, 32-36, and 80-83, adjacent to Lilac Road, and for residential Lots 149, 177, 182-185, and 212-215, adjacent to Mirar de Valle Road. Because the homes have not yet been designed, the Tentative Map will require a noise protection easement that requires a Site Plan for noise mitigation. Prior to the issuance of a building permit, or prior to recordation of a Final Map, the Site Plan shall demonstrate that dwellings and "noise sensitive" outdoor living areas of affected lots would not be impacted by traffic noise levels exceeding CNEL=60 dB and that the traffic noise levels inside the residences would not exceed CNEL=45 dB. If a Site Plan demonstrating noise mitigation as specified herein is approved prior to recordation of the Final Map, no noise protection easement need be recorded for the lots with such an approved Site Plan. This mitigation measure requires that the future homes meet State and County noise criteria, but allows the project proponent the option of mitigating noise impacts through project design rather than through the construction of noise walls.

Mitigation Measure 5E. requires the project proponent to mitigate traffic noise for apartment Lot 25. This mitigation is to be implemented through

the Specific Plan with the inclusion of a "D" Special Area Designator for noise in the "zone box" for Lot 25 (Neighborhood B). The "D" Special Area Designator will require a Site Plan for noise mitigation. Prior to building permit issuance or prior to recordation of a Final Map, the Site Plan shall demonstrate that dwellings and "noise sensitive" outdoor living areas would not be impacted by noise levels exceeding CNEL=60 dB and that the noise levels inside the residences would not exceed CNEL=45 dB.

Mitigation Measures 5E. and 5G. would mitigate potential noise impacts from a proposed water reclamation plant that may be constructed adjacent to the proposed project. Mitigation Measure 5E. specifies that the Tentative Map shall require a noise protection easement that requires a Site Plan for noise mitigation for single-family Lots 24, 70-75, 232, 233, 240, and 241. Prior to building permit issuance or prior to recordation of a Final Map, the Site Plan must demonstrate that dwellings and "noise sensitive" outdoor living areas of affected lots would not be impacted by noise levels exceeding the applicable limits of the County of San Diego Noise Ordinance and that the noise levels inside the residences would not exceed CNEL=45 dB. The mitigation measure goes on to state that if subsequent plans prepared for the water reclamation facility and approved by the County of San Diego prior to recordation of the Final Map demonstrate noise mitigation as specified herein, no noise protection easement need be recorded. The purpose of this mitigation measure is to protect residential lots in the proximity of the potential site for a water reclamation plant from future noise levels in excess of State and County noise standards. This mitigation measure also acknowledges that the mitigation of noise impacts from the water reclamation plant could be achieved through the design of the water reclamation plant and that additional mitigation on the part of the Orchard Run project may not be necessary.

Mitigation Measure 5G. is intended to mitigate water reclamation plant noise for apartment Lot 25 (Neighborhood B) through the Specific Plan by requiring a Site Plan for noise mitigation. Prior to building permit issuance, the Site Plan shall demonstrate that dwellings and "noise sensitive" outdoor living areas will not be impacted by noise levels exceeding the applicable limits of the County of San Diego Noise Ordinance and that the noise levels inside the residences would not exceed CNEL=45 dB. Mitigation Measure 5G. goes on to state that if subsequent plans prepared for the water reclamation facility and approved by the County of San Diego demonstrate noise mitigation as specified herein, no mitigation for reclamation plant noise need be provided by the developer of Orchard Run. As with Mitigation Measure 5F., the current uncertainty of the need for this mitigation measure allows the final design of the wastewater treatment facility to be considered when making the final determination of noise impacts to the Orchard Run project.

Mitigation Measure 5H. allows for the combination of noise walls/berms and sensitive site design to mitigate for any significant noise impacts associated with the five estate lots. Once again, the purpose of this

mitigation measure is to make sure that sensitive exterior and interior use areas meet applicable State and County noise standards.

6. BIOLOGICAL RESOURCES

Significant Effect: The proposed project will result in significant impacts to 0.2 acre of Coastal sage scrub as well as to 1 Engelmann oak tree, 7 Engelmann oak hybrid trees, and 2 Coast live oak trees.

Finding: Changes or alterations have been required in or incorporated into the project which would avoid or substantially lessen this effect. These mitigation measures are as follows:

Mitigation Measures:

- 6A. Impacts to 0.2 acre of sage scrub would be mitigated off-site at a 1:1 ratio by the purchase of 0.2 acre of Coastal sage scrub credits in an established habitat mitigation bank to the satisfaction of the County Department of Planning and Land Use, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game.
- 6B. Impacts to individual Engelmann, Engelmann hybrid, and Coast live oak trees would be mitigated at ratios to be determined by the size of the replacement tree to be planted as shown in Table 2-8 of the draft EIR. The Engelmann oak hybrids impacted would be replaced by Engelmann oaks. The appropriate number and size oak trees shall be planted in the open space lots established as a buffer area.

Rationale: Mitigation Measure 6A. proposes the purchase of 0.2 acre of Coastal sage scrub credits in an established habitat mitigation bank. This form of mitigation is consistent with the on-going regional habitat preservation efforts. The small and isolated patch of Coastal sage scrub is associated with a rock outcrop located within a field that has been cultivated for many years. The small size and isolation limit the value of this vegetation as habitat for threatened or endangered species that are typically associated with Coastal sage scrub. By preserving Coastal sage scrub that is included within a much larger mitigation bank, the project proponent is providing a contribution to a regional habitat preserve system that is intended to preserve the largest and most diverse areas of remaining habitat while allowing development impacts to smaller and more isolated areas of habitat. The 1:1 mitigation ratio is considered by State and Federal resource agencies to be appropriate in this situation.

Mitigation Measure 6B. requires that impacts to individual Engelmann, Engelmann hybrid, and Coast live oak trees be mitigated on the project site. The mitigation ratios are to be determined by the size of the tree to be impacted and the size of the tree to be planted as a replacement. The appropriate number and size oak trees shall be planted in the open space lots established as a buffer area. This mitigation measure will

result in a net increase in the number of oak trees on the project site and will contribute to the visual quality of the open space buffer lots.

7. PUBLIC SERVICES

Significant Effect: The proposed project will increase the demand for public services and will result in significant impacts to local schools and sewer service (or the lack of local sewer service will result in a significant impact to the proposed project).

Finding: Changes or alterations have been required in or incorporated into the project which would avoid or substantially lessen this effect. These mitigation measures are as follows:

Mitigation Measures:

Sewer Service

- 7A. Prior to recordation of the Final Map, the developer of the Orchard Run project would obtain a letter of commitment from the sewer providing agency in Valley Center to reserve capacity for all buildings and lots within the subdivision and would obtain the approval of said agency of the plans and specifications for the installation. The developer shall also pay for the construction and operation of a sewage treatment plant on a fair share basis.

Schools

- 7B. The significant impacts to the schools that serve the Valley Center community shall be mitigated by the collection of development fees and any other funding assessments necessary to provide adequate school facilities. The project is within the boundaries of an existing Mello-Roos Assessment District which was formed to provide funding for both the Valley Center Union School District (VCUSD) and the Escondido Union High School District (EUHSD). Recordation of a Final Map and obtaining of a building permit initiate the two stage assessment on a per unit basis.

Rationale: Mitigation Measure 7A. requires a letter of commitment from the sewer providing agency in Valley Center to reserve capacity for all buildings and lots within the subdivision. It also requires the developer to pay for the construction and operation of a sewage treatment plant on a fair share basis. This mitigation measure is necessary because there is currently a building moratorium in the Valley Center community that is the result of septic system failures. Because the proposed project cannot be constructed without the availability of a sewage treatment plant, significant impacts will be mitigated.

Development fees and any other funding assessments necessary to provide adequate school facilities will be paid by the project proponent (Mitigation Measure 7B.). This mitigation measure is necessary because

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financial support for schools from traditional tax sources is not adequate to meet current demands. The project is within the boundaries of an existing Mello-Roos Assessment District which was formed to provide funding for both the VCUSD and the EUHSD. Exactions from developers and the payment of Mello-Roos fees by future homeowners allows the impacted school districts to collect additional funds to cover the cost of local public education.

EIRS\SP95004.EIR;jcr,dld,tf



County of San Diego

MARK WARDLAW
DIRECTOR

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KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

December 15, 2017

Environmental Review Update Checklist Form For projects with Previously Approved Environmental Documents

FOR PURPOSES OF CONSIDERATION OF Orchard Run Tentative Map Time Extension PDS2017-TM-5087TE

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the subject discretionary action.

1. Background on the previously certified EIR:

- An EIR for Orchard Run, SP 95-004, TM5087, Log No. 95-08-033 was certified by the County of San Diego Board of Supervisors on June 17, 1998. The certified EIR found significant effects to Land Use/Community Character, Visual Quality, Agriculture, Traffic, Noise, Biological Resources and Public Services. These effects were determined to be mitigated or avoided to a level below significance due to findings made concerning mitigation of significant effects. The certified EIR lists mitigation measures for each of the significant effects identified in the EIR for the Orchard Run project.
- An addendum dated January 26, 2005; GPA 04-012; SPA 04-004; Log No. 95-08-033C was approved by the Board of Supervisors on June 22, 2005. This addendum allowed for an increase in height limit to allow two-thirds of the homes in the southern area to be two-story/35 feet maximum. The remaining one-third of these homes are limited to two-story/20 feet.

2. Lead agency name and address:

County of San Diego, Planning & Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123

- a. Contact Lori Radcliffe-Meyers, Project Manager
- b. Phone number: (858) 495-5340
- c. E-mail: lori.radcliffe-meyers@sdcounty.ca.gov

3. Project applicant's name and address:

Touchstone Development
9909 Mira Mesa Blvd., Suite 150, San Diego, CA 92131

4. Summary of the activities authorized by present permit/entitlement application(s):

No changes are proposed by the project; only a time extension is requested to allow sufficient time to satisfy conditions and record final maps.

5. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?

YES
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NO
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The project requests only a time extension for the tentative map to allow sufficient time to satisfy conditions and record final maps.

6. **SUBJECT AREAS DETERMINED TO HAVE NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND OR EIR.** The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

☒ NONE

☐ Aesthetics

☐ Biological Resources

☐ Greenhouse Gas Emissions

☐ Land Use & Planning

☐ Population & Housing

☐ Transportation/Traffic

☐ Agriculture and Forest Resources

☐ Cultural Resources

☐ Hazards & Haz Materials

☐ Mineral Resources

☐ Public Services

☐ Utilities & Service Systems

☐ Air Quality

☐ Geology & Soils

☐ Hydrology & Water Quality

☐ Noise

☐ Recreation

☐ Mandatory Findings of Significance

DETERMINATION:

On the basis of this analysis, Planning & Development Services has determined that:

- ☒ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously adopted ND or previously certified EIR is adequate upon completion of an ADDENDUM.
- ☐ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with a EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.



Signature

December 15, 2017

Date

Lori Radcliffe-Meyers

Printed Name

Project Manager

Title

INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an ND has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration; or
 - b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration or previously certified EIR; or
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration or EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary.

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If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

The following responses detail any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that may cause one or more effects to environmental resources. The responses support the "Determination," above, as to the type of environmental documentation required, if any.

ENVIRONMENTAL REVIEW UPDATE CHECKLIST

I. AESTHETICS – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings within a state scenic highway; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

YES
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NO
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The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to aesthetics that were not previously analyzed in the Orchard Run Specific Plan EIR or prior addendum. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to aesthetics.

All conditions of approval for the Orchard Run Specific Plan and Tentative Map 5087 will remain in effect for the proposed Time Extension.

II. AGRICULTURE AND FORESTRY RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agriculture or forestry resources including: conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, conflicts with existing zoning for agricultural use or Williamson Act contract, or conversion 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))?

YES
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NO
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The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Agriculture and Forestry Resources that were not previously analyzed in the Orchard Run Specific Plan EIR or prior addendum. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Agriculture and Forestry Resources.

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All conditions of approval for the Orchard Run Specific Plan and Tentative Map 5087 will remain in effect for the proposed Time Extension.

III. AIR QUALITY -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; 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; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

YES

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NO

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The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Air Quality that were not previously analyzed in the Orchard Run Specific Plan EIR or prior addendum. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Air Quality.

All conditions of approval for the Orchard Run Specific Plan and Tentative Map 5087 will remain in effect for the proposed Time Extension.

IV. BIOLOGICAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

YES

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NO

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The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Biological Resources that were not previously analyzed in the Orchard Run Specific Plan EIR or prior addendum. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Biological Resources.

All conditions of approval for the Orchard Run Specific Plan and Tentative Map 5087 will remain in effect for the proposed Time Extension.

V. CULTURAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

YES
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NO
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The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Cultural Resources that were not previously analyzed in the Orchard Run Specific Plan EIR or prior addendum. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Cultural Resources.

All conditions of approval for the Orchard Run Specific Plan and Tentative Map 5087 will remain in effect for the proposed Time Extension.

VI. GEOLOGY AND SOILS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

YES
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NO
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The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Geology and Soils that were not previously analyzed in the Orchard Run Specific Plan EIR or prior addendum. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Geology and Soils.

All conditions of approval for the Orchard Run Specific Plan and Tentative Map 5087 will remain in effect for the proposed Time Extension.

VII. GREENHOUSE GAS EMISSIONS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects related to environmental effects associated with greenhouse gas emissions or compliance

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with applicable plans, policies or regulations adopted for the purpose of reducing greenhouse gas emissions?

YES

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NO

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The analysis of greenhouse gas emissions was not included in CEQA Appendix G until 2010. Therefore, greenhouse gas emissions were not quantified in the 1998 Orchard Run Specific Plan EIR or the addendum dated 2005. However, greenhouse gas emissions were known in 1998 and 2005 and are not considered new information, per CEQA Guidelines 15162(a)(2)(b). There are no changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in effects associated with greenhouse gas emissions or compliance with applicable plans, policies or regulations adopted for the purpose of reducing greenhouse gas emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of 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; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location 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; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

YES

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NO

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The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Hazards and Hazardous Materials that were not previously analyzed in the Orchard Run Specific Plan EIR or prior addendum. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Hazards and Hazardous Materials.

All conditions of approval for the Orchard Run Specific Plan and Tentative Map 5087 will remain in effect for the proposed Time Extension.

IX. HYDROLOGY AND WATER QUALITY -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act ; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

YES
☒NO
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Since certification of the Final EIR for the Orchard Run Specific Plan in 1998, there has been a change in circumstances regarding municipal stormwater regulations. The San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) on discharges from municipal separate storm water sewer systems (MS4). The new MS4 Permit was adopted by the Regional Board on May 8, 2013 and amended on November 18, 2015. In order to comply with all applicable stormwater regulations, the activities proposed under this project are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10410 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. A Stormwater Quality Management Plan (SWQMP) must be approved by the County for the currently proposed project. A Priority Development Project (PDP) SWQMP for Orchard Run Unit 3 was submitted to the County and it was determined that no revisions to project.

The proposed Time Extension would not result in any new significant environmental effects to Hydrology and Water Quality that were not previously analyzed in the Orchard Run Specific Plan EIR or prior addendum. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Hydrology and Water Quality.

All conditions of approval for the Orchard Run Specific Plan and Tentative Map 5087 will remain in effect for the proposed Time Extension.

X. LAND USE AND PLANNING -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts

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with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

YES
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NO
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The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Land Use and Planning that were not previously analyzed in the Orchard Run Specific Plan EIR or prior addendum. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Land Use and Planning.

All conditions of approval for the Orchard Run Specific Plan and Tentative Map 5087 will remain in effect for the proposed Time Extension.

XI. MINERAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

YES
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NO
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The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Mineral Resources that were not previously analyzed in the Orchard Run Specific Plan EIR or prior addendum. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Mineral Resources.

All conditions of approval for the Orchard Run Specific Plan and Tentative Map 5087 will remain in effect for the proposed Time Extension.

XII. NOISE -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects 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, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

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YES

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NO

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The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Noise that were not previously analyzed in the Orchard Run Specific Plan EIR or prior addendum. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Noise.

All conditions of approval for the Orchard Run Specific Plan and Tentative Map 5087 will remain in effect for the proposed Time Extension.

XIII. POPULATION AND HOUSING -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

YES

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NO

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The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Population and Housing that were not previously analyzed in the Orchard Run Specific Plan EIR or prior addendum. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Population and Housing.

All conditions of approval for the Orchard Run Specific Plan and Tentative Map 5087 will remain in effect for the proposed Time Extension.

XIV. PUBLIC SERVICES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the 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 following public services: fire protection, police protection, schools, parks, or other public facilities?

YES

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NO

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The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Public Services that were not previously analyzed in the Orchard Run Specific Plan EIR or prior addendum. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Public Services.

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All conditions of approval for the Orchard Run Specific Plan and Tentative Map 5087 will remain in effect for the proposed Time Extension.

XV. RECREATION -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in 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; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

YES

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NO

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The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Recreation that were not previously analyzed in the Orchard Run Specific Plan EIR or prior addendum. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Recreation.

All conditions of approval for the Orchard Run Specific Plan and Tentative Map 5087 will remain in effect for the proposed Time Extension.

XVI. TRANSPORTATION/TRAFFIC -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

YES

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NO

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The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Transportation/Traffic that were not previously analyzed in the Orchard Run Specific Plan EIR or prior addendum. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Transportation/Traffic.

All conditions of approval for the Orchard Run Specific Plan and Tentative Map 5087 will remain in effect for the proposed Time Extension.

XVII. TRIBAL CULTURAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to tribal cultural resources including: causing a change in the significance of a tribal cultural resource as defined in Public Resource Code §21074?

YES
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NO
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Since the Final EIR for the Orchard Run Specific Plan project was certified, there has been a change in circumstances. Assembly Bill 52 (AB-52) became effective on July 1, 2015. AB-52 requires that tribal cultural resources (TCR) be evaluated under CEQA. The proposed project was evaluated for tribal cultural resources as follows; however, AB-52 consultation does not apply since the environmental document is not a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report.

XVIII. UTILITIES AND SERVICE SYSTEMS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve 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; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

YES
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NO
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The proposed project is for a time extension only; no changes are proposed for the approved Tentative Map. The proposed Time Extension would not result in any new significant environmental effects to Utilities and Service Systems that were not previously analyzed in the Orchard Run Specific Plan EIR or prior addendum. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects to Agriculture and Forestry Resources.

All conditions of approval for the Orchard Run Specific Plan and Tentative Map 5087 will remain in effect for the proposed Time Extension.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE: Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?

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Does the project 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, 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?

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)?

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

YES
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NO
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As described in this Addendum, there are no changes in the approved TM5087 for the proposed Time Extension, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any of the mandatory findings of significance. There are no proposed changes on Biological and Cultural Resources, as discussed in Section IV, Biological Resources, and Section V Cultural Resources.

The proposed Time Extension would not result in any new significant environmental effects that were not previously analyzed in the Orchard Run Specific Plan EIR or prior addendum. The proposed Time Extension would not result in a substantial increase in the severity of previously identified significant effects.

All conditions of approval for the Orchard Run Specific Plan and Tentative Map 5087 will remain in effect for the proposed Time Extension.

Attachments

- Previous environmental documentation (including any previous addenda, Negative Declarations, or EIRs (including Supplemental of Subsequent EIRs)
- Addendum to the previously adopted Negative Declaration or certified EIR

XX. REFERENCES USED IN THE COMPLETION OF THE ENVIRONMENTAL REVIEW UPDATE CHECKLIST FORM

California Department of Fish and Wildlife. Fish and Wildlife Code, Section 1600 *et. seq.*

California Environmental Quality Act, CEQA Guidelines

California Environmental Quality Act. 2001. California Code of Regulations, Title 14, Chapter 3, Section 15382.

California Integrated Waste Management Board, Title 14, Natural Resources, Division 7

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California Integrated Waste Management Board, Title 27, Environmental Protection, Division 2,
Solid Waste

California Public Resources Code, CPRC, Sections 40000-41956

County Code of Regulatory Ordinances, Title 3, Division 5, Chapter 3

County of San Diego Scenic Highway Conservation/Open Space Element of the General Plan

County of San Diego Zoning Ordinance (Agricultural Use Regulation, Sections 2700-2720)

County of San Diego. Resource Protection Ordinance, Article II (16-17). October 10, 1991

County of San Diego Watershed Protection, Stormwater Management, and Discharge Control
Ordinance (WPO) (Ordinance Nos. 9424 and 9426, County Codes §§ 67801 et seq.)

Farmland Mapping and Monitoring Program, California Department of Conservation, Division of
Land Resource Protection

Order No. 2001-01, NPDES No. CAS 0108758, California Regional Water Quality Control Board,
San Diego Region

Ordinance 8334, An Ordinance to amend the San Diego County Code of Regulatory Ordinances
relating to Flood Damage Prevention, Adopted by the Board of Supervisors on 12/7/93

Public Resources Code Sections 4290 and 4291

San Diego County Light Pollution Code (San Diego County Code Section 59.101)

The Resource Conservation and Recovery Act (RCRA), 1976

Uniform Fire Code, Article 9 and Appendix II-A, Section 16

Water Quality Control Plan for the San Diego Basin (9), California Regional Water Quality Control
Board, San Diego Region

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

**FOR PURPOSES OF CONSIDERATION OF
ORCHARD RUN TENTATIVE MAP TIME EXTENSION
PDS2017-TM-5087TE**

December 15, 2017

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

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

A Habitat Loss Permit will be required because the subject property contains 0.2 acres of Coastal sage scrub plant community. As conditioned in the Resolution of Approval by the Board of Supervisors dated June 17, 1998, a Habitat Loss Permit will be required to proceed with the project.

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

YES
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NO
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NOT APPLICABLE/EXEMPT
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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
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

The project will obtain its water supply from the Valley Center 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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input 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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

Wetland and Wetland Buffers:

The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance (RPO). 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. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

Floodways and Floodplain Fringe:

The proposed development is not located within a floodway or floodplain fringe. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the RPO.

Steep Slopes:

The average slope for the property is less than 15 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 RPO. There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

Sensitive Habitats:

Sensitive habitat lands were identified in the Environmental Impact Report certified by the Board of Supervisors on June 17, 1998. The project will impact 0.2 acres of Coastal Sage Scrub that will be mitigated for through the purchase of habitat credits offsite. A Habitat Loss Permit is required. Therefore, it has been found that the proposed project complies with Article IV, Item 6 of the RPO.

Significant Prehistoric and Historic Sites:

The property has been surveyed by a County of San Diego certified archaeologist/historian and it has been determined there are two archaeological/historical sites. Testing and other investigation determined the archaeological/historical site does not meet the definition of significant site. It does not need to be preserved under the RPO. Therefore, it has been found that the proposed project complies with Section 86.604(g) of the RPO.

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

YES

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NO

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NOT APPLICABLE

☐**Discussion:**

A Priority Development Project Stormwater Quality Management Plan (SWQMP) was prepared for the project by TSAC Engineering dated July 14, 2017. The SWQMP was reviewed and determined to be acceptable for discretionary approval. The SWQMP is a living document and will be updated at Final Engineering to ensure compliance with the most current storm water requirements.

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

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NO

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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.