

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

**FOR PURPOSES OF CONSIDERATION OF
OCEAN BREEZE RANCH, PDS2016-TM-5615, PDS2016-MUP-16-012, PDS2016-
MUP-013, PDS2016-STP-16-032, PDS2016-ER-16-02-006, PDSXXXX-HLP-XXX**

December 13, 2019

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

YES

NO

NOT APPLICABLE/EXEMPT

Discussion:

The project site is located outside of the Multiple Species Conservation Program (MSCP) boundaries and contains habitat subject to the Habitat Loss Permit Ordinance. The project complies with the Habitat Loss Permit Ordinance as demonstrated in the Draft Habitat Loss Permit (PDSXXXX-HLP-XX-XXX, dated September 19, 2019)

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

YES

NO

NOT APPLICABLE/EXEMPT

Discussion:

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

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

YES

NO

NOT APPLICABLE/EXEMPT

The project will obtain potable water from the Rainbow Municipal Water District that obtains water from surface reservoirs or other imported sources. Existing groundwater wells for the existing Equestrian Facility will continued to be used existing outdoor irrigation and facility uses. Pursuant to Section 67.750(b) the project is exempt from the

Groundwater Ordinance because the project is proposing a Major Use Permit for an existing equestrian facility that provides ranch support structures, barns and sheds.

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 Steep Slope section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

Wetland and Wetland Buffers:

Even though wetlands and/or wetland buffer areas have been identified on the subject property, the project has been found to be consistent with Article IV of the Resource Protection Ordinance (RPO), due to the following reasons: a) the project would not result in the placement of any non-permitted uses within wetlands; b) the project would not result in grading, filling, construction, or placement of structures within identified wetlands; and c) the project would not result in any non-permitted uses within wetland buffer areas. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the RPO.

Floodways and Floodplain Fringe:

Federal Emergency Management Agency (FEMA) and County mapped floodplains are identified on the project site. The proposed development encroaches within the existing FEMA and County mapped floodplain. The Hydraulic Analysis prepared by Chang Consultants, certifies that the project can reduce the existing floodplain area through the Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) process. According to the Hydraulic Analysis prepared by Chang Consultants and dated May 22, 2019, two portions of the proposed Project would encroach into the San Luis Rey floodplain. However, the analysis concluded that no grading would encroach within the revised floodway and the proposed residential pads have been designed to be several feet higher than the adjacent 100-year water surface elevations. The Project's grading

would meet the County and FEMA hydraulic regulations. In addition, a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) pursuant to the Federal Emergency Management Agency (FEMA) would be required for the Project.

Steep Slopes:

Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are steep slopes on the property however, an open space easement is proposed over the entire steep slope lands. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

Areas for which the Project does not strictly conform to avoidance requirements total 16.76 acres. This represents 4.2 percent of the on-site RPO steep slopes, and includes areas associated with road/utility placement and residential lots. Together, these areas represent approximately 1.2 percent of the site overall. Pursuant to RPO Section 86.604(e)(2)(aa) any lots containing less than 75 percent of the lot area in steep slopes may encroach a maximum of 10 percent into those steep slopes. For each of these lots, there would be less than 10 percent encroachment into steep slopes as a result of Project design. Consistent with Section 86.604(e)(2), conservation easements would be placed over all steep slope areas on these lots, highlighting the area into which grading would be restricted. As a Project Condition, pad placement would receive review and approval, resulting in protection of a minimum of 90 percent of the steep slopes on those lots. Those lots would therefore strictly comply with the RPO.

Sensitive Habitats:

The project site contains sensitive habitat lands as defined by the Resource Protection Ordinance in the western portion of the site which supports occupied coastal California gnatcatcher habitat, as well as in the eastern hills, where one pair of gnatcatchers was observed and which have high potential to support breeding gnatcatcher as the habitat recovers from 2014 and 2017 fires. The project would impact sensitive habitat lands consisting of 32.5 acres of occupied gnatcatcher habitat in the western portion of the site. All feasible measures necessary to protect and preserve the sensitive habitat lands, including preservation of onsite habitat within a biological open space easement with ongoing management, and breeding season avoidance, have been made conditions of approval of project and it has been determined that the mitigation provides an equal or greater benefit to the affected species.

Significant Prehistoric and Historic Sites:

The property has been surveyed by a County of San Diego approved archaeologist/historian (Brian F. Smith) and it has been determined there is one (or more) archaeological/historical site(s) present. Testing and other investigation determined that the archaeological/historical sites CA-SDI-776 Locus A, CA-SDI-776 Locus B, and CA-SDI-8237 meets the definition of a significant site set forth in the Resource Protection Ordinance. Sites CA-SDI-21874 and P-37-031762 are assumed RPO significant in the absence of testing. The project complies with the Resource Protection Ordinance because the site(s) will be preserved in place.

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

YES

NO

NOT APPLICABLE

Discussion:

The project Storm Water Quality Management Plan and Hydromodification Management Study has/have been reviewed and is/are found to be complete and in compliance with the WPO.

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

YES

NO

NOT APPLICABLE

Discussion:

Staff has reviewed the Acoustical Analysis prepared by Lnd Consulting Inc. dated June 23, 2019 for Ocean Breeze project, TM-5615 MUP-16-012 & MUP-16-013. Documentation is considered acceptable and staff has final recommendations to ensure conformance to the County Noise standards. The project consists of proposed 381 single-family detached production lots, 15 estate sized 5-acre lots, local parks, biological preservation, right-of-way dedication, 30 acre vacant remainder lot, and a privately-owned equestrian facility. The equestrian facility would encompass the existing equestrian operations. The project site is subject to the County Noise Ordinance, which regulates the operational and temporary construction noise associated with the project. It is also subject to the Noise Elements of the County General Plan, which doesn't allow the exterior noise exposure level to exceed 60 dB CNEL and 45 dB (CNEL) for the interior noise at any proposed noise sensitive residential lots.

The primary noise source to impact the site is from the vehicular traffic along SR-76 to the north and West Lilac Road. The report analyzed the worst-case scenario and have demonstrated that the cumulative exterior noise level from these roadways to the site is 54.1 dBA CNEL, which is in conformance with the Noise Elements. Therefore, mitigation measures are not required, as there are no noise impacts. In addition, traffic generated by this project to the existing roadways will not result in a direct noise impact. Based on the report, noise created by this project will not result in any roadways to increase more than 3 dBA CNEL. The project will also not produce a significant impact to the cumulative noise levels; the increases in noise levels will be incremental and not instantaneously perceivable and would be consistent with the General Plan. Based on this information, the project will not result in the exposure of any on- or off-site, existing, or foreseeable

future NSLU to noise levels that exceed the noise standards, therefore, complies with the General Plan.

Pursuant to the Noise Ordinance, the site as well as surrounding parcels are subject to the Noise level limit of 50 dBA daytime and 45 dBA nighttime. The onsite operational noise consists of mechanical equipment, the normal residential activities, and continued use of the equestrian facility operations. Due to the distances of the nearest noise sensitive property line of 1,200 feet, the noise from the HVAC, residential activities, and existing equestrian operation is anticipated to comply with the Noise Ordinance, Section 36.404.

Section 36.409 of the County Noise Ordinance states that construction noise shall not exceed 75 dBA at the property line during an eight-hour period between 7 a.m. to 7 p.m. No work will be conducted on Sundays and Holidays, per Section 36.408. The main noise would be produced by the construction activity from grading. Grading activities are expected to last 10 months and an additional 9 months for the underground trenching. Construction equipment include Loader, Excavator, and a Dozer. Based on the report, the noise level generated by the construction activities resulted in an eight-hour average noise level of 74.9 dBA for the worse-case scenario at the property line. Therefore, would comply with the noise level limit of 75 dBA as specify in the Noise Ordinance, Section 36.409.

Rock drills will be located at a minimum of 200 feet from the nearest occupied residential property line would comply with the Noise Ordinance noise limit of 82 dBA, Section 36.410 (a). However, to be in compliance with the 75 dBA noise limit pursuant to Section 36.409, the rock drill must be at least 225 feet from any occupied NSLU. If blasting or rock drilling occurs within 225 feet from NSLU, then monitoring and/or mitigation may be required as conditioned for the Planned Development and Equestrian MUP. There will be three separate blasting events. Blasting operation will comply with the County's Consolidated Fire Code. If clearing, grubbing, and grading activities occur during the nesting/breeding season and sensitive species within the 60 dBA contour, further noise analysis, monitoring, and or mitigation shall be required. Lastly, the vibration noise would not be a significant impact because there are no existing or proposed frequent activities on or near the proposed project site that would cause any significant vibration levels to exceed buildings near the project site. Based on this information, the construction noise will comply with the Noise Ordinance, Section 36.408 through 410.