

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

**FOR PURPOSES OF CONSIDERATION OF  
FALLBROOK ENERGY STORAGE  
PDS2019-ZAP-19-001**

**December 5, 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 proposed project and any off-site improvements are not located within the boundaries of the Multiple Species Conservation Program. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

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

YES

NO

NOT APPLICABLE/EXEMPT

Discussion:

The proposed project and any off-site improvements related to the proposed project are not within the boundaries of the Multiple Species Conservation Program. The project conforms with the Biological Mitigation Ordinance.

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

YES

NO

NOT APPLICABLE/EXEMPT

Discussion:

The project will obtain its water supply from the Fallbrook Public Utility 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 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:***

Based on the Biological Resources Letter Report dated October 17, 2019 and prepared by Cummings Environmental Inc, it has been determined that wetlands, defined by Section 404 of the Clean Water Act that include disturbed wetland and southern riparian woodland habitat(s) is on the project site. However, the project will not impact through, discharging into, directly removing, filling, or hydrologically interrupting, any federally protected wetlands supported on the project site. The project proposes complete avoidance. Therefore, no significant impacts will occur to wetlands or waters of the U.S. as defined by Section 404 of the Clean Water Act and under the jurisdiction of the Army Corps of Engineers. The project has been conditioned to provide evidence that permits under Section 404 of the Clean Water Act are not required (or to obtain appropriate permits if determined to be required). 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 project is in compliance. The Project site is not located within Federal Emergency Management Agency (FEMA), County Floodplain, County Floodway, or Dam Inundation flood zones. In addition, the Project site is not located within a tsunami or seiche inundation zone. There are no proposals for any offsite uses or improvements that need compliance with the Resource Protection Ordinance.

***Steep Slopes:***

The average slope for the property is less than 25 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. Additionally, the land has

been substantially disturbed by previous legal grading. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

***Sensitive Habitats:***

The Project is consistent with Policy COS-2.2, Habitat Protection through Site Design, because it has been sited to avoid sensitive habitat. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

***Significant Prehistoric and Historic Sites:***

Based on an analysis of records and a survey of the property by a County of San Diego approved historian, Doug Mengers, it has been determined that there are one or more historical resources within the project site. These resources include a 1956 ranch style residence. An historical resources report titled, Cultural Resources Survey Report for the AES Fallbrook Project (October 2018), prepared by Shelby Castells and Doug Mengers evaluated the significance of the historical resources based on a review of historical records including site record forms, historic maps, historic addresses and an architectural evaluation. Based on the results of this study, it has been determined that the historic resource is not significant pursuant to the State of California Environmental Quality Act (CEQA) Guidelines, Section 15064.5. Because the resources are not considered significant historic resources pursuant to CEQA Section 15064.5, the loss of these resources cannot contribute to a potentially significant cumulative impact. 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

NO

NOT APPLICABLE

Discussion:

The project Storm Water Quality Management Plan, prepared by Haley and Aldrich has been reviewed and is 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:

County staff has reviewed the Noise Assessment prepared by Ldn Consulting, Inc. The proposed project is not a noise sensitive land use. However, noise sensitive land uses exist to the north, east and west of the project site. Based on the Analysis, project implementation would not expose existing or planned noise sensitive areas to noise in excess of the outside sound level threshold. The project was found to be below the most restrictive nighttime property line standard of 57.5 dBA at the adjacent properties zoned Residential. In addition, the project is consistent with the County Guidelines for

Determining Significance and would not be expected to expose existing or planned noise sensitive areas to noise 10 dB CNEL over existing ambient noise levels.

Therefore, the project is consistent with the General Plan – Noise Element and impacts would be less than significant. Therefore the project 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.