

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

**FOR PURPOSES OF CONSIDERATION OF
WINTERGARDENS APARTMENTS SITE PLAN
PDS2014-STP-14-013, PDS2014-ER-14-14-008**

February 4, 2016

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

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

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

YES

NO

NOT APPLICABLE/EXEMPT

The proposed project and any off-site improvements related to the proposed project are within the boundaries of the Multiple Species Conservation Program. The project conforms with the Multiple Species Conservation Program and the Biological Mitigation Ordinance as discussed in the MSCP Findings dated January 28, 2016.

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 its water supply from the Lakeside 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 type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" 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"/>

Wetland and Wetland Buffers: The project site contains an unnamed tributary channel to the San Diego River that was assessed for eligibility as a County RPO wetland. The channel is a man-made feature constructed in an upland location, and is not considered an RPO resource due to the lack of a preponderance of native wetland plant species and lack of wetland soils (Visalia sandy loam). The channel is isolated from the northern San Diego River riparian system by approximately one mile and the prior removal of significant vegetation on adjacent parcels that precludes connectivity. Based on these factors, the channel meets the criteria for exclusion as a County RPO wetland per RPO Section 86.602 (q)(2). 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 not located near any floodway or floodplain fringe area as defined in the resource protection ordinance, nor is it near a watercourse plotted on any official County floodway or floodplain map. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

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 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 include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. No sensitive habitat lands were identified on the site, as described in the Biological Resources Letter Report prepared by Pacific

Southwest Biological Services, Inc., dated January 29, 2016. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

Significant Prehistoric and Historic Sites: The property has been surveyed by a County staff archaeologist, Heather Thomson, and it has been determined that the property does not contain any archaeological and/or historical sites. 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

The project Storm Water Management Plan 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

Even though the proposal could generate potentially significant noise levels (i.e., in excess of the County General Plan or Noise Ordinance), the following noise measures are proposed to reduce the noise impacts to applicable limits:

The project is a site plan titled Winter Gardens Apartments, comprised of 60 units with private and group useable outdoor areas. The project is subject to the County Noise Element which limits exterior noise levels for multi-family developments to 65 dBA CNEL. Primary noise sources to potentially impact the site would be from future traffic from Winter Gardens Boulevard. Based on the noise report, noise sensitive outdoor areas associated with the project would be exposed to traffic noise as high as 68.9 dBA CNEL at Building 1 along the eastern and northern facades at the private usable areas. Pursuant to the County Noise Element Table N-2, Note 5 states “When the noise limit for Private Usable Open Space cannot be met, then a Group Usable Open Space that meets the exterior noise level standard shall be provided.” All proposed group useable outdoor areas comprised of the pool area, group useable area and courtyards would be exposed to levels as high as 56.9 dBA CNEL which is well below the exterior 65 dBA CNEL requirement. Façades of Buildings 1, 2, 3 and 6 would be exposed to levels of 60 dBA CNEL and over. These buildings would require an interior noise study to ensure interior sound level limits of 45 dBA are met per the County Noise Element. Additionally, off-site direct and cumulative noise impacts are not anticipated for project related traffic contributions to nearby by roadways.

The project is also subject to the County Noise Ordinance. Permanent noise sources such as mechanical equipment, HVAC units, and pool pumps, etc. are subject to the County Noise Ordinance one-hour average sound level limit at the property line pursuant to Section 36.404. As part of the project design, the applicant has one of two options available:

- 1) Install a six (6') foot high partial perimeter wall located along the southern property line.

-OR-

- 2) Install a four (4') foot high screen wall around air conditioning units at Building 3, air conditioning units serving the easternmost two apartments of Building 5, and all air conditioning units serving Building 6. Additionally, a three sided screen wall shall be placed around the north, east and south sides of the pool equipment (leaving the west side open). The pool equipment screen wall height would extend one foot above the height of the equipment.

Incorporation of one of the two aforementioned noise control features would reduce mechanical equipment noise to levels to 47.5 dBA and below at the worst-case southern property line. The project will be conditioned to implement this design and would result in all mechanical equipment demonstrating compliance with the County Noise Ordinance.

Temporary grading operations to prep the site were also assessed. The nearest residential property line would be at a minimum, approximately 60 feet from the any construction area. Grading would result in a temporary activity while no materials processing would occur on site. Furthermore, drilling and blasting is not proposed and based on the noise report, noise level are not anticipated to exceed the 75 dBA eight hour average at any occupied property line. Therefore, design measures will be incorporated into the Site Plan decision to ensure Noise Ordinance compliance and General Plan Noise Element conformance.