

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

**FOR PURPOSES OF CONSIDERATION OF  
Evergreen Nursery Major Use Permit  
PDS2012-3300-12-009, PDS2012-3910-12-14-002**

**August 28, 2014**

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

YES

NO

NOT APPLICABLE/EXEMPT

Discussion:

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

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

YES

NO

NOT APPLICABLE/EXEMPT

Discussion:

The 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 August 21, 2014.

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

YES

NO

NOT APPLICABLE/EXEMPT

Discussion:

As identified within Section 67.722B of the San Diego County Groundwater Ordinance, it has been determined that groundwater resources are adequate to meet the groundwater demands both of the project and the groundwater basin if the basin were developed to the maximum density and intensity permitted by the General Plan.

Surrounding residential uses within the groundwater basin are served by the Padre Dam Municipal Water District which obtains water from surface reservoirs and/or imported sources. Therefore, the continued use of groundwater to serve this site would not have an impact on surrounding uses as those uses are not dependent on groundwater.

**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:***

The site contains a drainage along the northwestern property boundary, which if disturbed would result in a significant impact. The Major Use Permit boundaries avoid the drainage and also maintain a setback of no less than 50 feet from the drainage. There will be no net loss of wetlands and therefore no significant impact will occur. 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.

***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. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

***Sensitive Habitats:***

No sensitive habitat lands were identified on the site. 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 of San Diego approved archaeologist Ted Cooley of Mooney, Jones and Stokes (now called ICF) on June 15, 2006 and it has been determined there is one archaeological site, CA-SDI-17,968, and one isolate, P-37-027670, present. Testing and other investigation determined the archaeological site does not meet the definition of a significant site and isolated resources are not considered significant under CEQA. Therefore, the resources do not need to be preserved under the Resource Protection Ordinance.

**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 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

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.

The project is a retail nursery on a site that has an existing wholesale nursery operation. Primary noise sources associated with the project would be from the proposed green recycling area and soil production work area located on the south, southeastern portion of the project site. No proposed noise sensitive receptors are proposed and the project operations would comply with the requirements pursuant to the County Noise Element. The project is zoned A70 and is subject to the most restrictive daytime one hour average sound level limit of 50 dBA at the project property lines pursuant to the County Code Noise Ordinance.

Staff conducted an in-house noise assessment evaluating the worst-case operations from the recycling and soil production areas. The southern property line runs in parallel immediately to the north of Interstate 8. Across the freeway are land uses comprised of existing residential uses approximately 460 feet from the recycling operations. The project site in relation to the existing residences across the freeway are screened with a 20 foot vertical elevation difference. Based on noise attenuation by distance and the vertical elevation difference of approximately 20 feet, anticipated noise levels at the southern residential property lines would be 50 dBA and below from the project operations. Additionally, southernmost property line is dominated by vehicular traffic noise traveling along Interstate 8. The project operations would not have a substantial noise contribution to the existing noise condition at this southern property line location. The project currently demonstrates Noise Ordinance compliance with the southernmost property line where existing residences are located across the Interstate 8 freeway.

The worst-case property line has been identified to be located along the northeastern property line where additional existing residences are located. Based on the plot plans, the acoustical center of the screen and grinder operations are located approximately 630 feet from this worst-case property line. Staff has evaluated a worst-case scenario with the grinder, screen, blender and loader (moving source) all operating simultaneously. Based on noise attenuation by distance alone with no topography and no screening modeled, and equipment operating continuous for one hour, would result in noise levels of approximately 60.5 dBA at the property line to the northeast. As part of the project design noise measure, the applicant proposes to locate the equipment approximately 680 feet from nearest eastern property line and to limit operations of the grinder and screen to 45 minutes out of every hour. Additional noise reduction would be provided by screening from existing topography and the edge of a retaining wall, and precluding simultaneous operations associated with the grinder and screen. Incorporation of these noise measures would reduce noise levels by an additional -10 decibels which would result in an anticipated noise levels below the 50dBA requirement at the worst-case eastern property line. Therefore, the project demonstrates compliance with County noise standards.