

# REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

## FOR PURPOSES OF CONSIDERATION OF EI Nopal Tentative Map PDS2017-TM-5619

May 2, 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 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  
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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 to the Multiple Species Conservation Program and the Biological Mitigation Ordinance as discussed in the MSCP Findings dated November 20, 2018.

**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 is currently receiving its water supply from the Padre Dam Municipal Water District. The Padre Dam Municipal Water District 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? Input from Kim	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 <a href="#">Steep Slope</a> 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 does not contain wetland habitats as defined by the San Diego County Resource Protection Ordinance. 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 project is not within floodway or flood plain hence the regulations under section 86.604(c) and (d) are not applicable to this site.

***Steep Slopes:***

The project has been reviewed and found to be in conformance with the RPO. The project does not contain any areas that qualify as RPO steep slopes because none of the slopes on the project site have a minimum rise of 50 feet or more.

***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 determined through GIS data and historic and recent imagery. 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/historian, Andrew Pigniolo and it has been determined that the property does not contain any archaeological/historical sites. As such, the project complies with 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:**

The project Storm Water Quality Management Plan (SWQMP) has been reviewed and is found to be complete and in compliance with the BMP Design Manual and WPO. As outlined in the project's CEQA SWQMP dated April 24, 2018 and prepared by Walsh Engineering and Land Surveying, the project will implement source control, site design and structural BMP's to reduce potential pollutants, to the maximum extent practicable from entering storm water runoff.

Additionally the project has been designed to be in compliance with Hydromodification 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.

Staff has reviewed the Construction Noise Analysis Information for PDS2017-TM-5619, submitted on February 5, 2018. The main noise generating construction activity would be grading, which would be conducted from October 2019 to March 2020. The entire site would be graded. Construction equipment would include a Cat 950GC Wheel Loader, CAT 336E Excavator, and a Cat D7E Dozer. No impulsive construction equipment is proposed. The smallest construction equipment feasible would be used to minimize noise.

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. Construction equipment may be operating as close as 10 feet of the adjacent residential

property lines; however, over the course of an eight-hour typical construction day and overall construction period, the equipment would move around the construction site at a further distance. It was conservatively assumed that the equipment would operate at the average distance to the nearest property lines from the center of grading operations, which would be approximately 100 feet.

Using the Federal Highway Administration's Roadway Construction Noise Model (RCNM), Version 1.1, a dozer, excavator, and a loader operating simultaneously at a distance of 100 feet would generate an eight-hour noise level of 75 dBA. Therefore, project construction would not exceed Section 36.409 construction noise limits, and no mitigation would be required. In addition, per the provided Construction Noise Analysis Information, smaller versions of these pieces of equipment then are included in the RCNM model may be used, which would result in lower noise levels. dBA.