

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

**FOR PURPOSES OF CONSIDERATION OF
PDS2020-TPM-21278, PDS2020-ER-20-02-002**

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 off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program and the project site and locations of any off-site improvements do contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance, the project proposes complete avoidance of these habitats and will place the habitats within an open space easement. Therefore, the project is in compliance with the Habitat Loss Permit Ordinance.

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

Discussion:

The project will obtain its water supply from the Rainbow Municipal 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 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 wetland habitats as defined by the San Diego County Resource Protection Ordinance, which if disturbed would result in a significant impact. This entire area will be placed in an open space easement prior to issuance of improvement or grading plans or prior to recordation of the Final Map -OR- prior to obtaining any subsequent permit and prior to construction or use in reliance on the permit, whichever comes first. 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.

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. Sensitive habitat lands were identified on the site. However, the project will not complete any development, grading, grubbing, clearing, or any other activity that will damage the sensitive habitat lands. 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, Sue Wade, 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 NO NOT APPLICABLE

Discussion:

A Priority Development Project Stormwater Quality Management Plan (SWQMP) was prepared for the project by dk Greene Consulting, Inc, dated May 2022. The SWQMP was reviewed and determined to be acceptable for discretionary approval. The SWQMP is a living document and will be updated at Final Engineering to ensure compliance with the most current storm water 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

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.

Noise impacts to the proposed project from adjacent land uses are not expected to exceed the property line sound level limits of the County of San Diego Noise Ordinance.

Staff have completed the review of the TPM and Noise Report prepared by Eilar Associates and dated August 17, 2021. The documents and report are considered accepted. The project comprises of a four residential lots subdivision on a 10.28 acres parcel located in the Fallbrook Planning area in close proximity to Linda Vista Road. The project is subject to the County Noise Element which requires proposed exterior use area for noise sensitive land uses to sound levels not exceeding the 60 dBA CNEL. Noise levels from future traffic traveling on Linda Vista Road were evaluated and determined that future traffic noise levels would not expose existing, foreseeable future, and planned noise sensitive receptors to noise levels that exceed the noise standards. Off-site direct and cumulative noise impacts to off-site residences was also evaluated and determined that project related traffic on nearby roadways would not have a direct noise impact of 3 dBA or more and would not have a significant contribution to the cumulative noise in the area. Direct and cumulative noise impacts to off-site existing residences are not anticipated.

The only anticipated operational noise impact from the proposed project would be residential HV AC units. The units are anticipated to be small capacity and are not expected to have a significant noise impact on surrounding properties. No further analysis is deemed necessary.

The project is also subject to temporary construction noise as it relates to the County Noise Ordinance, Section 36.409. Grading equipment operations would be spread out over the project site from varying distances in relation to occupied property lines. Parcels 1 through 3 will be constructed following the sale of the residence on Parcel 4 and will be phased such that only one residence is under construction at any given time. A total of

8,000 cubic yards of earthwork will be performed on site, consisting of balanced cut and fill of earth. No impulsive activity is anticipated on site. Construction on the site will consist of the following construction equipment: excavator, loader, truck, drill rig, paver, and roller. The report evaluated the equipment noise levels based on a worse-case scenario and demonstrated that these activities would comply with the County's Noise Ordinance, Section 36.408 and 36.409. Furthermore, the project will incorporate the Best Practice Management to reduce noise levels from the construction activities. Based on the information above, the project complies with the County Noise Ordinance, Section 36.408 through 36.410.

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
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 with the implementation of project condition for a County Noise Easement.

Transportation (traffic, railroad, aircraft) noise levels at the project site would not exceed Community Noise Equivalent Level (CNEL)=60 decibels (dB) limit because a County Noise Easement is required as a condition of approval prior to final map. The Noise Easement would require an acoustic analysis prior to building permit issuance to provide feasible design features for the development to implement, ensuring future development would not exceed 60 dB(A) CNEL.

Noise impacts to the proposed Project from adjacent land uses are not expected to exceed the property line sound level limits of the County of San Diego Noise Ordinance.

Non-transportation noise generated by the project is not expected to exceed the standards of the Noise Ordinance at or beyond the project's property line. The site is zoned Limited Agriculture (A70) that has a one-hour average sound limit of 50 dBA daytime and 45 dBA nighttime. The adjacent properties to the north, west, and south are zoned Limited Agriculture (A70) and Rural Residential (RR), which has the same one-hour average sound limit as the site. The adjacent properties to the east and southeast are zoned Specific Planning Area (S88) and General Impact Industrial (M54), which have a one-hour average sound limit of 70 dBA. The project does not involve any noise producing equipment that would exceed applicable noise levels at the adjoining property line.

The project is also subject to the County Noise Ordinance which regulates temporary construction noise associated with the project, Sections 36.408 and 36.409. 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. It is unlawful to operate construction equipment between 7 pm and 7 am and no work shall be done on Sundays and Holidays, per Section 36.408. Temporary noise from construction and grading is not expected to exceed the 75 dBA. Construction work would be limited to Monday through Saturday between 7a.m. to 7 p.m. The project will be conditioned with a "Good Practice Measures," to ensure compliance with the Noise Ordinance, Sections 36.408 and 36.409. Based on the information provided, the noise level generated from the construction activities is not anticipated to exceed the standards and therefore compliance with the Noise Ordinance, Sections 36.408 and 36.409.

Furthermore, the project would not result in significant increase in traffic volume that would result in exposing the existing and future noise sensitive receptors to noise levels that exceed the County's noise standards. Based on the SANDAG's Transportation Forecast for year 2050, the existing traffic volume on Lakeside Avenue is 4,900 ADT, and, as a worst-case analysis, using the SANDAG Rates, this project will generate 40 ADT based on 10 ADT per proposed dwelling unit. Typically, a project would have to double the traffic volume on a roadway in order to have a significant direct noise increase of 3 dB or more or to be major contributor to the cumulative traffic volumes. An increase of 40 trips on Lakeside Avenue would result in a noise increase of less than 3 dB, which would not be an audible change in noise levels.

Noise impacts to the proposed project from adjacent land uses are not expected to exceed the property line sound level limits of the County of San Diego Noise Ordinance.

Based on the information above, the project would not expose surrounding existing and future noise sensitive land uses to noise levels that exceeds the County's Noise Ordinance and Noise Elements standards