

# REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF  
LIBERTY BELL PLAZA, PDS2017-STP-17-037, PDS2019-BC-19-0104

March 5, 2020

**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:

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. 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 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  
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NO  
☐

NOT APPLICABLE/EXEMPT  
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Discussion:

The project will obtain its water supply from the Valley Center 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 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 contains no 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 in compliance. A portion of the project site is within a floodplain. However, no development is proposed within the floodway/floodplain fringe area. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

***Steep Slopes:***

The average slope for the property is 5 to 15 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:***

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. 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, Brian F. Smith, 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  
☐

NOT APPLICABLE  
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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  
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NO  
☐

NOT APPLICABLE  
☐

Discussion:

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 mitigation measures are proposed to reduce the noise impacts to applicable limits:

Staff has reviewed the Noise analysis prepared by Ldn Consulting, Inc. dated December 10, 2018 and plot plan associated with the Liberty Bell Plaza. Documentation is considered acceptable and staff has final recommendations to ensure the project is in conformance with County noise standards. The project is subject to the County Noise Element and Noise Ordinance that governs the noise levels generated by this project. The main source of operational noise from this project would be from the mechanical equipment and truck loading operation. The noise report analyzed the operational noise based on a conservative scenario. The analysis demonstrated that the noise levels from the mechanical units and truck deliveries would be in compliance with the Noise Ordinance, Section 36.404. The most stringent allowable day time noise limit is 55 dBA

and a night time of 50 dBA at the nearest property line, which is approximately 50 feet away. Based on the report, one truck delivery takes approximately 45 minutes and would produce a noise level of 54.5 dBA at the nearest property line. Deliveries would only be limited to the daytime hours of 7:00am to 10:00pm, no deliveries shall occur during the nighttime hours. The mechanical units will be located on the rooftop and will be installed behind the proposed parapet walls on each building. The parapet will vary in height, but will be roughly 1-foot higher than the HVAC units. With the combination of the distance separation and parapet wall, the noise levels from the mechanical units are anticipated to not exceed the Noise Ordinance, Section 36.404. Therefore, noise levels from these sources will be in compliance with the noise standards.

Additionally, the project is also subject to the County Noise Ordinance that regulates the temporary noise limits. Temporary construction noise is subject to Section 36.408, 409, and 410. Noise from grading activities is one of the main noise producing sources from this project. The grading equipment would be spread out over the project site, the combined grading operation would be more than 300 feet way from the adjacent property lines. Construction work would be limited to Monday through Saturday between 7a.m. to 7 p.m. There will also be no off-site construction or grading. Blasting and/or rock crushing is not proposed. Therefore, temporary noise from construction and grading is not expected to exceed the 75 dBA.

The report also analyze the traffic impacts from this proposed project. Based on the report, the project does not create a direct or cumulative noise level increase of 3 dBA CNEL on any roadway segment. Therefore, traffic noise from this project will not cause any significant impacts to the existing or future noise sensitive land uses. Based on that information, the noise levels from the traffic would be in conformance with the Noise Elements.