

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

**FOR PURPOSES OF CONSIDERATION OF
VALLEY CENTER ENERGY STORAGE
PDS2020-STP-20-011, PDSXXXX-HLP-XXX
PDS2020-ER-20-08-005**

June 25, 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 and the project site and locations of any off-site improvements contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance (HLPO), the project complies with the HLPO as demonstrated in the Draft Habitat Loss Permit dated June 22, 2020. A final Habitat Loss Permit will be required as a condition of approval (Section 86.102).

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 would be unmanned and operated from a remote location. Therefore, no water would be used for the exception of maintenance visits bi-monthly. For this water use, the project would 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 NO NOT APPLICABLE/EXEMPT

The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance? YES NO NOT APPLICABLE/EXEMPT

The [Steep Slope](#) section (Section 86.604(e))? YES NO NOT APPLICABLE/EXEMPT

The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance? YES NO NOT APPLICABLE/EXEMPT

The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance? YES NO NOT APPLICABLE/EXEMPT

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:

Even though wetlands and/or wetland buffer areas have been identified on the subject property, the project has been found to be consistent with Article IV of the Resource Protection Ordinance, due to the following reasons: a) the project would not result in the placement of any non-permitted uses within wetlands; b) the project would not result in grading, filling, construction, or placement of structures within identified wetlands because the project would be required to obtain a Conditional Letter of Map Revision and a Letter of Map Revision from the Federal Emergency Management Agency to remap the floodplain to current site conditions; and c) the project would not result in any non-permitted uses within wetland buffer areas. 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 less than 25 percent. 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 and it has been determined that there are archaeological sites present. One archaeological site (P-37-000759) was determined not to be significant after testing and evaluation, and therefore does not warrant preservation under the Resource Protection Ordinance. Testing and other investigation determined that six other archaeological sites on the Project site (P-37-015414, P-37-017525, P-37-017526, P-37-017527, P-37-030999, and P-37-031002) meet the definition of a significant site set forth in the Resource Protection Ordinance. The project complies with the Resource Protection Ordinance because these six sites will be avoided. 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

Discussion:

A Priority Development Project Stormwater Quality Management Plan (PDP SWQMP) was prepared for the project by Lundstrom Engineering and Surveying, Inc. dated May 21, 2020. The PDP SWQMP has been reviewed and 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:

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 project plans and Noise Report prepared by Vista Environmental dated May 20, 2020. Documentation is considered acceptable and staff has noise recommendations to the project. The project is for a Site Plan to construct a battery energy storage system facility and is subject to the County Noise Ordinance and Noise Elements. The site is located near Valley Center Road, but no residences are proposed as part of this project and thus would not be impacted by the noise levels from this roadway. The project site would be unmanned for the exception of bi-monthly maintenance visits. The project would not contribute to significant traffic noise generation, therefore, would not expose existing or future noise sensitive land uses to noise levels that would exceed the County's noise standards. The site is zoned General Impact Industrial (M54) and is subject to the Noise Element which requires an exterior noise level to not exceed the threshold of 70 dBA CNEL onsite. Based on the noise report, with the construction of the solid 8-foot vinyl fence or similar fence proposed around the main project components, the exterior noise levels would be reduced and would conform with the Noise Elements. In addition, as mentioned above, the site would be unmanned. Based on the information above, the project complies with the County Noise Elements.

Furthermore, the project is subject to the County Noise Ordinance, which prohibits noise levels generated by this project to exceed the noise threshold pursuant to Section 36.404. The project site is zone M54 which is subject to the noise threshold of 70 dBA. The adjacent site to the north, west, and east are zoned Limited Industrial (M52), which

is subject to the noise threshold of 70 dBA CNEL. The adjacent parcel to the south is zoned Rural Residential (RR), which is subject to the stringent arithmetic mean level of 57.5 dBA. The project would be designed to incorporate a solid 8-foot vinyl fence or similar fence, which would ensure that the noise levels from this project would not exceed the County's Noise Standards. Therefore, the Project would comply with the County Noise Ordinance.

Temporary construction noise is subject to Section 36.408, 409, and 410. The noise generated by construction equipment includes haul trucks, grader, dozers, etc. The project would not involve drilling or blasting equipment. Construction equipment is not anticipated to operate in any one location for an extended period. Additionally, noise reducing measures would be implemented as part of the grading process such as controlling the hours of construction to normal weekday working hours. Given the spatial separation of the equipment over the site and the limited hours of operations, the noise levels from the grading are anticipated to comply with the County of San Diego's 75 dBA standard per Section 36.409 of the Noise Ordinance at all Project property lines.