

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

**FOR PURPOSES OF CONSIDERATION OF
PDS2018-STP-98-031W1; PDS2023-ER-23-14-013**

November 16, 2023

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

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

The proposed project and any off-site improvements related to the proposed project are located within the boundaries of the Multiple Species Conservation Program (MSCP). MSCP Findings dated November 16, 2023 have been prepared and describe how the project conforms to the MSCP and Biological Mitigation Ordinance.

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

YES NO NOT APPLICABLE/EXEMPT

The Project will obtain its water supply from Padre Dam Municipal Water District as detailed on the Service Availability Forms prepared for the project. The Project will not use groundwater and will obtain water supply from Padre Dam Municipal Water District.

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"/>

Wetland and Wetland Buffers:

The project has been found to be consistent with Article IV of the Resource Protection Ordinance, due to the following reasons: a) the project will not place any non-permitted uses within wetlands; b) the project will not allow grading, filling, construction, or placement of structures within identified wetlands; and c) the project will not allow any non-permitted uses within wetland buffer areas. The eastern parcel of the project site has been subject to a previously approved Site Plan (S98-031) that was approved in August 13, 1999. The eastern parcel contains uses and structures that were previously located near wetland buffers. 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 contains a 100-year floodplain in the rear and southern portion of the property. A No Rise Certification dated April 23, 2021 has been prepared for the project in order to certify that fencing and support columns for the site will not result in an increase in flood levels or the volume or velocity of flood flows. The No Rise Certification has been reviewed by Flood Control of the County of San Diego. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

Steep Slopes:

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). The project site does not contain steep slopes as defined by the RPO and does not propose construction within steep slopes. 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. Sensitive habitat lands were not identified on the site as detailed in the biological resources report prepared for the project. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

Significant Prehistoric and Historic Sites:

Based on an analysis of records, previous negative surveys, databases, historic imagery, aerial imagery, and review of previous permits by a County approved archaeologist, it has been determined that there are no impacts to historical resources because they do not occur within the project site. Based on an analysis of records and historic imagery, the western parcel of the project site has contained agricultural uses or structures since the early 1950s at a minimum. Portions of the western parcel have previously been graded for the construction of a previous single-family residence on the project site. On August 13, 1999, a Site Plan Record ID: S98-031 was approved to permit the installation of a modular office building on the existing construction yard on the eastern parcel. The western parcel previously contained a residential structure that was removed under demolition permit Record ID: PDS2016-RESALT-006162. As previously discussed, the GPU EIR determined impacts on historic resources to be less than significant with mitigation. The project is required to conform with Grading Ordinance Sections 87.429 and 87.430 which requires grading operations to be suspended in the event that resources are encountered and a County Official shall be informed to evaluate potentially significant resources. Therefore, 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

A Stormwater Quality Management Plan dated July 22, 2022 has been reviewed and are found to be complete 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

General Plan – Noise Element: Policy 4b addresses noise sensitive areas and requires projects to comply with a Community Noise Equivalent Level (CNEL) of 70 decibels (dBA). Projects which could produce noise in excess of 70 dB(A) are required to incorporate design measures or mitigation as necessary to comply with the Noise Element. Based on a review of the County’s noise contour maps, the project is not

expected to expose existing or planned noise sensitive areas to noise in excess of 70 dB(A). The project is located within noise contours of approximately 60 CNEL as identified in the Noise Element of the General Plan. The project does not propose any noise sensitive land uses and would not expose any existing noise sensitive receptors to noise levels that exceeds the County's noise standards.

Noise Ordinance – Section 36-404: 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 project sites are zoned industrial zones. The western parcel is Limited Impact Industrial (M52) and the eastern parcel is General Impact Industrial (M54) that have a one-hour average sound limit of 70 dBA daytime and nighttime. The adjacent properties are also zoned Limited Impact Industrial and General Impact Industrial. The mean one-hour average sound limit at the nearest property line is a sound limit of 70 dBA daytime and nighttime. The proposed project consists of constructing a new warehouse and office for a construction company. The Limited Impact Industrial zone requires all operations of the use to be enclosed and operated within the warehouse and office. Noise sources associated with the project consist of moving of construction equipment and vehicles. The majority of uses associated with the project will be required to be within the warehouse and office. The warehouse and office structure will attenuate noise. Uses on the previously approved eastern parcel will not be expanded and only include additional shade structures for on-site storage. The project does not involve amplified music or noise producing equipment that would exceed applicable noise levels at the adjoining property lines. Therefore, the project complies with Section 36.404 of the Noise Ordinance.

Noise Ordinance – Section 36-410: The project will not generate construction noise in excess of Noise Ordinance standards. Construction operations will occur only during permitted hours of operation. As currently designed, the project does consist of blasting. If any blasting is required, appropriate permits must be obtained from the County Sheriff and additional agencies. It is not anticipated that the project will operate construction equipment in excess of an average sound level of 75 dBA between the hours of 7 AM and 7 PM. Additionally, the project is not expected to generate impulsive noise beyond 85 dBA.