

# REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF  
Spring Valley Shopping Center  
PDS2019-STP-97-050W3, PDS2020-AD-20-002, PDS2020-BC-20-0026

March 25, 2021

**I. HABITAT LOSS PERMIT ORDINANCE** – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES

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NO

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NOT APPLICABLE/EXEMPT

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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

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NOT APPLICABLE/EXEMPT

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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 with the Multiple Species Conservation Program and the Biological Mitigation Ordinance as discussed in the MSCP Findings dated February 5, 2021.

**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 proposed project will obtain its water supply from the Helix Water District which obtains water from surface reservoirs and/or imported sources.

**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 <u>Steep Slope</u> 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 not located near any floodway or floodplain fringe area as defined in the resource protection ordinance, nor is it near a watercourse plotted on any official County floodway or floodplain map.

***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). 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:***

Based on an analysis of County of San Diego archaeology resource files, archaeological records, maps, and aerial photographs by County of San Diego staff archaeologist, Donna Beddow, it has been determined that the project site does not contain any archaeological resources. 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  
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**Discussion:**

A Priority Development Project Stormwater Quality Management Plan (PDP SWQMP) was prepared for each of the proposed Buildings D, F and G for the project. BWE, Inc prepared the PDP SWQMP for Building D, dated March 11, 2021. Joseph C. Truxaw & Associates, Inc. prepared the PDP SWQMP for Building F, dated March 10, 2021. BWE, Inc prepared the PDP SWQMP for Building G, dated March 11, 2021. The three PDP SWQMPs have 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  
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NO  
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NOT APPLICABLE  
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**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 plot plan and noise report prepared by Helix Environmental Planning dated January 11, 2021. Staff determined that the information provided is accepted. The project site as well as surrounding parcels to the north, northeast, and west are zoned commercial, which are subject to the noise limits of 60 dBA daytime and 55 dBA nighttime. The parcels to the south and southeast are zoned Single-Family Residential (RS), which are subject to the arithmetic mean noise levels limit of 55 dBA daytime and 50 dBA nighttime. The main source of operational noise from this project would be from the drive-thru intercom. Based on the noise report, the maximum sound level pressure from the drive-thru speaker is 54 dBA at 32 feet. The speaker will operate at approximately 12 minutes per hour, which reduces the noise levels to 47 dBA. The nearest Noise Sensitive Land Use property line is at least 95 feet away from the equipment. In addition, there is an existing wall along the southern edge of the project site, which will provide further noise attenuation. Based on the distance separation, usage

factor, and existing wall, the noise levels from the speaker will be in compliance with the Noise Ordinance, Section 36.404.

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 construction activities is one of the main noise producing sources from this project. Construction work would be limited to Monday through Saturday between 7a.m. to 7p.m. Based on the Noise Report, the combined use of an excavator, loader, and dump truck would generate noise levels of 71.9 dBA LEQ. Blasting and/or rock crushing is not proposed. The project demonstrates Noise Ordinance compliance and conformance to the County Noise Element. Temporary noise from construction and grading is not expected to exceed the 75 dBA. The project has been conditioned to ensure compliance with the Noise Ordinance.