

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

**FOR PURPOSES OF CONSIDERATION OF
Jamacha Commercial Office Building
PDS2018-STP-18-009; PDS2018-ER-18-19-001**

February 13, 2025

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 any offsite 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

Discussion:

The proposed project and any offsite 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 September 3, 2019.

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

YES

NO

NOT APPLICABLE / EXEMPT

Discussion:

As detailed in a water availability form dated December 2020, the Project will obtain its water supply from the Otay Water District. The Project will not use groundwater for construction or operations of the Project.

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:

The project does not contain a 100-year floodway or floodplain. Construction associated with the project will not be located within a Floodway or Floodplain fringe. 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. 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 Senior Adjunct 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 NO NOT APPLICABLE / EXEMPT

A Stormwater Quality Management Plan dated March 6, 2023, by Victor Rodriguez-Fernandez, RCE 35373 has been reviewed is 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 / EXEMPT

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.

Staff has reviewed the Noise Report prepared by Eilar Associates, Inc. dated September 9, 2020, and submitted to the County on January 6, 2021, for STP-18-009 associated with the Jamacha Building. The project proposes the construction of a new commercial office structure. The main noise sources would be from the construction activity from grading and operational noise from the mechanical units. The project site as well as surrounding parcel to the west are zoned Office-Professional (C30), which are subject to the noise levels limit of 60 dBA daytime and 55 dBA nighttime. The surrounding parcels to north, east, and south are zoned Single-Family Residential (RS), which are subject to the arithmetic mean of 55 dBA daytime and 50 dBA nighttime noise limits. The report analyzed four 6-tons roof mount units and have demonstrated that the noise levels from those units comply with the stringent noise levels of 50 dBA at the nearest property lines. Based on that information, the project is in compliance with the Noise Ordinance, Section 36.404 without mitigation.

In addition, the project demonstrated compliance with the County’s General Plan Noise elements. 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.

Transportation (traffic, railroad, aircraft) noise levels at the project site are not expected to exceed Community Noise Equivalent Level (CNEL)=60 decibels (dB) limit because review of the project indicates that the project is not in close proximity to a railroad and/or airport. Additionally, the County of San Diego GIS noise model does not indicate that the project would be subject to potential excessive noise levels from circulation element roads either now or at General Plan buildout. Based on the Traffic Study for the project, the proposed project is calculated to generate 240 average daily trips (ADT). The County’s Noise Report Format and Content Requirements indicates that, “New projects combine to generate more than double the existing sound energy of a documented noisy site,” would be considered to have a significant noise impact. The project would not generate double the traffic volume to any roadways, therefore, is not anticipated to result in a significant noise impacts to the existing and foreseeable off and on-site noise sensitive land uses.

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. The project proposes 700 cubic yards of earthwork. Construction equipment associated with the grading includes an excavator, dump truck, concrete mixer, forklift, paver and roller. The report evaluated the construction noise based on a conservation scenario and have demonstrated that the noise levels from these activities will not exceed an average sound level of 75 dBA for an eight-hour period. In addition, 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. Pile driving or explosive blasting is not proposed for this project.