

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

**FOR PURPOSES OF CONSIDERATION OF
SMILAX TOWNHOME PROJECT
PDS2019-TM-5634; PDS2019-GPA-19-003; PDS2019-REZ-19-002; PDS-2019-STP-
19-014; PDS2019-ER-19-08-002**

August 21, 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 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 will obtain its water supply from the Vista Irrigation 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 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"/>

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. The project is approximately 500 feet from the nearest floodway/floodplain fringe area, but there are no proposals for any offsite uses or improvements that need compliance with the Resource Protection Ordinance.

Steep Slopes:

The average slope for the property is less than 25 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 and historian, Shelby Castells and Bai "Tom" Tang 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

NO

NOT APPLICABLE

Discussion:

The project Storm Water Quality Management Plan, prepared by Hunsaker and Associates San Diego, Inc 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

NO

NOT APPLICABLE

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 LDN Consulting, Inc. and dated January 9, 2020. Project documentation and analysis is considered accepted and staff has final recommendations to ensure the project complies with the County's noise standards. The project comprises of a 62 attached condominiums Tentative Map Subdivision in the North County Metropolitan Subregional Plan Area within the unincorporated San Diego County. The project is subject to the County Noise Element which requires that the exterior noise level for noise sensitive land uses does not exceed 60 dBA CNEL noise requirement and 45 dBA CNEL for interior for single family residences. The project is also subject to the Noise Ordinance, which regulates operational and temporary noise from the project to the surrounding property lines. The project site as well as the surrounding parcels to the north, east, west are zoned Rural Residential (RR), which is subject the one-hour average noise

level limit of 50 dBA daytime and 45 dBA nighttime. The properties to the southeast are within the City of Escondido and appears to be residential use, therefore would also be subject to the 50 dBA and 45 dBA thresholds.

The project site is near State Route 78, which is approximately 350 feet away and thus is impacted by this roadway. Based on the noise report, exterior noise levels are expected to exceed the 65 dBA CNEL threshold, however, with the incorporation of the six-foot high solid noise wall as a Project Design Feature along the perimeter of the site as shown in Figure 2-B of the noise report prepared by Lnd Consulting, Inc. dated January 9, 2020, noise level for the exterior use area would be reduced to less than significance. The noise walls will be identified as a Noise Control Feature and will be conditioned for the project. The noise report also indicates that the second-floor interior use area may be exposed to noise levels that exceed 45 dBA CNEL threshold. With the incorporation of the Noise Restriction Easement as a Project Design Feature, it ensures that the interior noise levels would be reduced to less than significance. The project will be conditioned with a Noise Protection Easement over the entire site, which will require an exterior to interior noise report to be submitted prior to issuance of any building permits. The report will demonstrate that the building construction design provides adequate attenuation for the interior use area to comply with the 45 dBA CNEL threshold. By incorporating these two noise design features, the noise levels would be reduced to less than significance and conforms with the Noise Elements.

Furthermore, additional project related traffic contributions to nearby roadways are considered minimal as it will not increase the noise levels by more than 3 dBA on any impacted roadways. No off-site direct and cumulative noise impacts are anticipated. Based on the project's location and layout, the project demonstrates conformance with the County Noise Element.

The project is also subject to the County Noise Ordinance which governs noise level associated with the operational and temporary construction noise. The primary noise sources on-site would be from the Heating Ventilation Air Conditioning (HVAC) units. Based on the modeling of those units, it demonstrated that the noise levels from those units are expected to not exceed the most stringent noise level of 45 dBA at the nearest property lines. The noise level from those units would obtain attenuation from the proposed six-foot solid noise walls as well as distance separation, therefore, complies with the Noise Ordinance, Section 36.404.

The County Noise Ordinance also regulates the project generated temporary noise. The Noise Ordinance, Section 36.408 does not allow temporary construction operations to exceed an eight-hour average sound level of 75 dBA. Temporary grading would be considered the primary noise source during the preparation of the site, which includes construction equipment such as dozers, loaders, and excavators. Based on the noise report, construction noise levels are anticipated to be below the 75dBA requirement; the noise level from the construction equipment is 73.5 dBA at the nearest property line. No impulsive activities are proposed on-site. Therefore, the project complies with the County's Noise Ordinance, Sections 36.408 through 410 without mitigation.

The project complies with the Noise Ordinance, Sections 36.404, 36.408 through 410 without mitigation. With the incorporation of the solid noise walls and noise projection easement, the noise impacts would be reduced to less than significances and thus comply with the Noise Elements.