

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

**FOR PURPOSES OF CONSIDERATION OF
VISTA II, PDS2022-TM-5647; PDS2022-MUP-22-011;
PDS2022-ER-22-08-005**

September 26, 2024

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 is exempt from the requirements of the San Diego County Groundwater Ordinance Section 67.720. The project will not have a significant adverse impact on

groundwater quantity because the total project demand will be less than 20,000 gallons per day and the project complies with the San Diego County Groundwater Ordinance.

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.

Steep Slopes:

The project would not result in substantial soil erosion or the loss of topsoil because the project would be required to comply with the Watershed Protection Ordinance (WPO) and Grading Ordinance. Compliance with these ordinances would ensure that the project would not result in any unprotected erodible soils, would not substantially alter existing drainage patterns, and would not develop on steep slopes. Additionally, the project would be required to implement BMPs per the Standard Development Project Storm Water Quality Management Plan (SWQMP) to prevent fugitive sediment.

The Floodways and Floodplain Fringe:

No Federal Emergency Management Agency (FEMA) or County-mapped floodplains were identified on the project site. The project would not place housing within a County or federal floodplain or flood way. In addition, the Stormwater Quality Management Plan (SWQMP) prepared by Rick Engineering Company, dated February 27, 2024, determined that the project would not alter the existing drainage pattern in a manner that would result in flooding on- or off-site.

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/historian, Donna Beddow with Harris & Associates, 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 Rick Engineering has been reviewed and is found to be complete and in compliance with the WPO. The project would detain stormwater on site and would not increase peak flows; therefore, the project would not contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems. The project's conformance to the waste discharge requirements of both the CGP and MS4 stormwater permits ensures the project would not create cumulatively considerable water quality impacts and addresses human health and water quality concerns. The site is located within Vista Hydrologic Sub-Area (HSA 904.22), which is part of the Buena Vista Hydrologic Area (HA 904.2). Under Section 303(d) of the Clean Water Act, the Buena Vista Watershed was identified as impaired for a number of pollutants, including fecal bacteria, metals/metalloids, nutrients, salinity, toxicity, pesticides, and sediment. The project could contribute to release of these pollutants; however, the project would comply with the WPO and implement site design measures, source control BMPs, and structural BMPs to prevent a significant increase of pollutants to receiving waters.

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 have completed the review of the plans and Noise Letter Report prepared by Harris & Associates dated August 14, 2023, all previous comments have been addressed and the report is considered accepted. The project consists of a development of 37 units multi-family condominium on 5.33 acres of the 8.97-acre parcel. The project is subject to the County Noise Element which requires that the exterior noise level for noise sensitive land uses does not exceed 65 dBA CNEL noise requirement and 45 dBA CNEL for interior for multi-family residences. The project is adjacent to the sprinter rail line and S. Santa Fe and thus would be impacted by these noise sources. Based on the noise report, implementation of the proposed project would expose the future development to noise from the SPRINTER rail line and S. Santa Fe, in excess of County standards. To protect the future noise sensitive land uses from the impacts from these sources, a noise protection easement will be placed within 300 feet from the centerline of that roadway/Sprinter rail line. In addition, development within 140 feet of that noise easement would be required to evaluate both the exterior and interior noise impacts prior to issuance of a building permit. The decorative/landscape barrier is mentioned in the noise report, but is not mitigation, although it may provide some benefit. The intent was that the requirement to include a solid noise barrier on use areas within 140 feet may be required to mitigate the noise impacts within that area, however, further analysis would be required as outlined in the draft condition below.

Additionally, the 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 Noise Ordinance, which regulates operational and temporary noise from the project to the surrounding property lines. The project site as well as the parcels to the north and west are zoned Single Family Residences (RS), which is subject the one-hour average noise level limit of 50 dBA daytime and 45 dBA nighttime. The surrounding parcels to the east are zoned Rural Residential, which is also subject to the noise level threshold of 50 dBA daytime and 45 dBA nighttime. It is anticipated that the main source of noise generated from the project is from the mechanical Heating, Ventilation, and Air Conditioning unit (HVAC) and typically activities associated with multi-family uses such as parking lot car movement and people socializing. Based on the noise report, the nearest noise sensitive land use is located at approximately 50 feet from the property line and at that location the noise level from the HVAC would be attenuated to approximately 36.9 dBA. The additional noise sources generated by the project include comment parking lot activities such as radios, tire squeals, and car alarms. Notably, based on the report, the noise levels from these sources typically range from approximately 51 to 61 dB when measured at a distance of 10 feet. Therefore, implementation of the project would not expose existing or future noise sensitive land uses to noise levels that exceed the County's Noise Ordinance.

Lastly, based on the noise report, implementation of the proposed project would have the potential to result in temporary noise and vibration exposure from construction equipment. However, the project will continue to incorporate the best management practices to ensure that the project complies with the Noise Ordinance Sections 36.408 and 36.409. The project would achieve compliance with the County Noise Ordinance and reduce nuisance impacts from vibration by implementing a Construction Noise and Vibration Management Plan.