



County of San Diego

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MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Perrin Oak Ranch

RECORD ID: PDS2016-AD-16-023

ENVIRONMENTAL LOG NO.: PDS2019-ER-19-09-008

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

ANY PERMIT: *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

LNDSCP#1—LANDSCAPE DOCUMENTATION PACKAGE

INTENT: In order to provide adequate Landscaping that provides screening, a landscape plan shall be prepared. **DESCRIPTION OF REQUIREMENT:** The Landscape Plans shall be prepared pursuant to the [COSD Water Efficient Landscape Design Manual](#) and the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Off-Street Parking Design Manual](#), and the COSD Grading Ordinance. All Plans shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer, and include the following information:

- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s) -of-way shall be maintained by the landowner(s) shall be submitted to PDS.
- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#).
- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
- h. Parking areas shall be landscaped and designed pursuant to the [Parking Design Manual](#) and the County Zoning Ordinance Section 6793.b

DOCUMENTATION: The applicant shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (PDS Form #404), and pay all applicable review fees. **TIMING:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the Landscape Documentation Package shall be prepared and approved. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Documentation Package for compliance with this condition.

CULT#1 ARCHAEOLOGICAL MONITORING [PDS, FEE X 2]

INTENT: In order to mitigate for potential impacts to undiscovered buried archaeological resources, an Archaeological Monitoring Program and potential Data Recovery Program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA).

DESCRIPTION OF REQUIREMENT: A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform archaeological

monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The archaeological monitoring program shall include the following:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources. The Project Archaeologist and Kumeyaay Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter acceptance shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Kumeyaay Native American has been contracted to perform Native American Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

DOCUMENTATION: The applicant shall provide a copy of the Archaeological Monitoring Contract or letter of acceptance, cost estimate, and MOU to the [PDS, PPD]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate.

TIMING: Prior to the approval of any plan, issuance of any permit, the contract shall be provided. **MONITORING:** The [PDS, PPD] shall review the contract or letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, LDR], for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

CULT#2 - CULTURAL OPEN SPACE EASEMENT

INTENT: In order to protect sensitive Cultural Resources (CA-SDI-16508a), a Cultural Resource Open Space Easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego a Cultural Resource Open Space Easement as shown on the Figure 6.1-1 of the Cultural Study prepared by Brian F. Smith (10/30/2018). This easement is for the protection of archaeological site CA-SDI-15508a and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; stockpiling materials; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. The sole exceptions to this prohibition are:

- a. Scientific investigations conducted pursuant to a research design prepared by an archeologist certified by the Register of Professional Archaeologists and approved by the Director of PDS.
- b. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard.

- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health, in a location and manner approved in writing by the Director of PDS.
- d. Installation of passive protective measures such as cactus or other natural barriers to ensure indirect impacts (e.g. human encroachment) does not occur.

DOCUMENTATION: The applicant shall prepare the legal descriptions of the easements, then submit them for preparation and recordation with the *[DGS, RP]*, and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to the approval of any plan and issuance of any permit. **MONITORING:** For recordation by separate document, the *[DGS, RP]* shall prepare and approve the easement documents and send them to *[PDS, PPD]* and *[DPR GPM]* for preapproval. The *[PDS, PPD]* shall preapprove the language and estimated location of the easements prior to recordation. Upon Recordation of the easements *[DGS, RP]* shall forward a copy of the recorded documents to *[PDS, PPD]* for satisfaction of the condition.

GRADING PERMIT: (Prior to approval of any grading and/or improvement plans, and issuance of any grading or construction permits).

BIO#1–WETLAND PERMITS: [PDS, FEE X2]

INTENT: In order to comply with the State and Federal Regulations for wetlands and or Waters of the United States and or State, the following agency permits, or verification that they are not required shall be obtained. **DESCRIPTION OF REQUIREMENT:** The following permit and agreement shall be obtained, or provide evidence from the respective resource agency satisfactory to the Director of PDS that such an agreement or permit is not required:

- a. A Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances of waters of the U.S. and/or associated wetlands.
- b. A Section 1602 Streambed Alteration Agreement issued by the California Department of Fish and Wildlife for all project related disturbances of any streambed.

DOCUMENTATION: The applicant shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required to the *[PDS, PCC]* for compliance. **TIMING:** Prior to the approval of any plan and issuance of any permit, the permits shall be obtained. **MONITORING:** The *[PDS, PCC]* shall review the permits/agreement for compliance with this condition. Copies of these permits should be transmitted to the *[DPW, ESU]*, for implementation on the grading plans

ROADS#1–TRAFFIC CONTROL PLAN

INTENT: In order to mitigate below levels of significance for temporary traffic impacts, a traffic control plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Have Registered Civil Engineer or licensed Traffic Control Contractor prepare a Traffic Control Plan (TCP) to the satisfaction of the Director of Department of Public Works (DPW). **DOCUMENTATION:** The applicant shall have the TCP prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to *[PDS, LDR]* for review by *[DPW, Traffic]*. **TIMING:** Prior to the approval of any plan, issuance of any permit, any grading and/or improvement plans and issuance of any Grading, Construction, or Excavation Permits and prior to use of the

premises in reliance of this permit, a TCP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the TCP for compliance with this condition.

ROADS#2-HAUL ROUTE PLAN

INTENT: In order to ensure roads are not damaged by heavily loaded trucks on the route identified during the construction phase (or subsequent operations). A Haul Route Plan (HRP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** A HRP shall be prepared that addresses the following, but is not limited to: haul routes, truck types and capacity, number of trips per day, estimated quantity of import & export, destination, duration of the haul, and hours of operation.

- a. The implementation of the HRP shall be a condition of any grading, construction, or excavation permit issued by the County. The applicant is responsible for the road maintenance (sweeping as necessary) and repair of any damage caused by them to the on-site and offsite County maintained roads that serve the property either during construction or subsequent operations.
- b. The applicant will repair those portions of the roads that are damaged by the heavy loaded trucks. An agreement shall be executed, to require (1) a cash deposit for emergency traffic safety repairs; (2) long-term security for road maintenance and repair of any damage caused by the project to the County maintained roads that serve the project during construction phase on the route identified; and (3) All the roads identified on the haul route plan shall be returned to the existing condition or better.
- c. Prior to the import/export, all affected property owners in the residential neighborhood shall be notified; no equipment or material storage on public roads will be allowed, and sweeping to be performed at the end of each week or more frequently depending on hauling schedule.

DOCUMENTATION: The applicant shall have the HRP prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [PDS, LDR] for review by [DPW, Road Maintenance]. The applicant shall also execute a secured agreement for any potential damages caused by heavy trucks on road mentioned above. The agreement and securities shall be approved to the satisfaction of the [DPW, Road Maintenance]. **TIMING:** Prior to the approval of any plan, issuance of any permit, any grading and/or improvement plans and issuance of any Grading, Construction, or Excavation Permits and prior to use of the premises in reliance of this permit, a HRP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the HRP for compliance with this condition.

ROADS#3-SIGHT DISTANCE

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.E of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:**

- a. Have a registered civil engineer, or a licensed land surveyor provides a certified signed statement that: I, _____, a Registered Civil Engineer, certify that: "There is _____ feet of unobstructed intersectional sight distance in both directions along **Highland Valley Road** from both of the existing private

driveways including both the northerly and southerly driveways, measured in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____ as described in Table 5 based on a speed of _____, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code. Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

- b. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

DOCUMENTATION: The applicant shall complete the certifications and submit them to the [PDS, LDR] for review. **TIMING:** Prior to occupancy of the first structure built in association with this permit, or use of the premises in reliance of this permit, and annually after that until the project is completely built, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications for compliance with this condition.

STRMWTR#1-STORMWATER MAINTENANCE DOCUMENTATION

INTENT: In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), the maintenance agreements shall be completed. **DESCRIPTION OF REQUIREMENT:**

- a. Process a Maintenance Notification Agreement to assure maintenance of the Category 1 Structural BMPs to the satisfaction of the Director of DPW and/or PDS. The Maintenance Notification Agreement shall be signed, notarized and recorded by the applicant.
- b. Process a Stormwater Facilities Maintenance Agreement (SWMA) to assure maintenance of the Category 2 Structural BMPs and provide security to back up the maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of DPW and/or PDS. The SWMA shall be signed and notarized by the applicant and recorded by the County.

DOCUMENTATION: The applicant shall process the agreement forms with [PDS, LDR] and pay any deposit and applicable review fees. **TIMING:** Prior to approval of any grading or improvement plan or construction permit, prior to use of the property in reliance of this permit; execution of the recorded agreements and securities shall be completed. **MONITORING:** The [PDS, LDR] shall review the agreements/mechanisms for consistency with the condition and County Standards.

STRMWTR#2-EROSION CONTROL

INTENT: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [State Construction General Permit, Order No. 2009-00090-DWQ](#), or subsequent order and the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), and all other applicable ordinances and standards for this

priority project. **DESCRIPTION OF REQUIREMENT:** The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Quality Management Plan (SWQMP) and Erosion Control Plan including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

- a. An agreement and instrument of credit shall be provided for an amount equal to the cost of this work as determined or approved by the [PDS, LDR], in accordance with the [County of San Diego Grading Ordinance Section 87.304](#). The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to [PDS, LDR] authorizing the use of this deposit for emergency measures.
- b. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County PDS and/or DPW by the date agreed.

DOCUMENTATION: The applicant shall process an Erosion Control Plan and provide the letter of agreement and any additional security and/or cash deposit to the [PDS, LDR]. **TIMING:** Prior to approval of any grading or improvement plan or construction permit, and prior to use of the property in reliance of this permit, the Erosion Control Plan shall be approved and the agreement and securities shall be executed. **MONITORING:** The [PDS, LDR] shall ensure that the Erosion Control Plan adequately satisfies the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. [DPW, PDCI] shall use the securities pursuant to the agreement to implement and enforce the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

DURING CONSTRUCTION: *(The following actions shall occur throughout the duration of the grading construction).*

NOISE#1. BLASTING NOISE PLAN [PDS, PPD] [DPW, PDCI] [PDS, FEE X1]

INTENT: In order to comply with County Code Noise Ordinance for temporary blasting related operations, a Blasting Plan and Exhibit identifying all areas where blasting will occur shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** In the event that blasting activities would occur, submit to and receive approval from the Director of PDS, a Blasting Plan consistent with Noise and an Exhibit showing all location of where. The plan shall demonstrate measures to achieve Noise Ordinance Compliance and include the following parameters (but not limited to the recommendations in this said plan):

- a. All blasting shall be performed by a blast contractor and blasting Personnel licensed to operate in the County.
- b. Each blast shall be monitored and recorded with an air blast overpressure monitor and groundborne vibration accelerometer approved by the County that is located outside the closest residence to the blast.

- c. A blasting plan, including estimates of the air blast over-pressure level and groundborne vibration at the residence closest to the blast, shall be submitted to the County for review prior to the first blast. Blasting shall not commence until the County has approved the blast plan.
- d. Blasting shall not exceed 0.1 in/sec PPV at the nearest occupied residence in accordance with County of San Diego Noise Guidelines Section 4.3.
- e. An Exhibit showing all locations of the blasting activities.
- g. If clearing, grubbing, and grading activities occur during the nesting/breeding season and sensitive species are present within the 60 dBA contour, further noise analysis, monitoring, and or mitigation shall be required.

DOCUMENTATION: The applicant shall prepare the Blasting Plan and provide an Exhibit showing all location of the blasting and submit to the [PDS, ZONING] and pay all applicable review fees. **TIMING:** Prior to approval of the grading plan and/or improvement plans and issuance of any Grading or Construction Permits, if blasting is required, the Blasting Plan and Exhibit shall be provided and approved. **MONITORING:** The [PDS, PPD] shall review the Blasting Plan and Exhibit for compliance with the content guidelines, County Noise Ordinance, and this condition.

NOISE#2-TEMPORARY ROCK CRUSHING AND DRILLING: [PDS, PCC] [DPW, PDCI] [PDS, FEE X1]. Intent: In order to comply with the [County of San Diego Noise Ordinance 36.409 and 36.410](#), the following noise attenuation measures shall be implemented to reduce the noise generated from project rock crushing, rock drilling, and material processing operations. **Description of Requirement:** The location of any temporary rock crushing and rock drilling activities shall be adequately setback. This mitigation is designed and placed to reduce rock crushing and drilling operations that potentially would affect the adjacent residential uses. The temporary rock crushing and drilling shall comply with the following requirements:

- a. Prior to and during all project-related blasting, rock drilling, or rock breaker activities, the project applicants and primary contractors of all project phases involving rock drilling/breaker shall ensure that these activities are located a minimum distance of 225 feet from the nearest property line where an occupied structure is located.
 - 1. In the event that the rock crushing or drillings are staged within 225 feet from any occupied noise sensitive land use, a County approved Acoustician, shall prepare an acoustical analysis and submit to PDS for review and approval. The analysis must demonstrate that the noise levels from the rock crushing or drilling conforms to the noise levels as indicated by the County's Noise Ordinance, Section 36.409 & 410. The acoustical study shall identify all noise-generating equipment and predict noise levels from all identified equipment at the applicable property line. If applicable, the analysis shall also identify mitigation measures shown to effectively reduce the noise levels to conformance, pursuant County's Noise Ordinance, Section 36.408, 409, 410.
- b. All rock drilling and rock crushing activities shall comply with County noise standards pursuant to County Noise Ordinance, Section 36.409 and 36.410.

- c. If new information is provided to prove and certify that the equipment being used is different than what was proposed in the noise report, then a new construction noise analysis may be reviewed to the satisfaction of the [PDS, PCC]. The supplemental noise analysis shall be prepared by a County Approved Noise Consultant and the report shall comply with the Noise Report Format and Content Requirements. Any proposed alternative methods, or the reduction or elimination of setbacks, barriers, etc. may be approved if the construction activities will not create noise greater than 75 dB at the property line as indicated above.

Documentation: The applicant shall maintain the rock crushing and drilling setback mitigation as indicated above until all rock crushing and drilling activities have been completed. **TIMING:** The following actions shall occur throughout the duration of the rock crushing and drilling activities. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor complies with the construction noise control measures of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

NOISE#3-TEMPORARY CONSTRUCTION NOISE: [DPW, PDCI].

INTENT: In order to minimize temporary construction noise for grading operations associated with PDS2016-MUP-16-012 and to comply with County Noise Ordinance 36.408 and 36.409. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following temporary construction noise control measures and shall comply with the eight hour average sound level of 75 dBA pursuant to Noise Ordinance Section 36.408 & 36.409:

- a. Turn off equipment when not in use.
- b. Equipment used in construction should be maintained in proper operating condition, and all loads should be properly secured, to prevent rattling and banging.
- c. Use equipment with effective mufflers
- d. Minimize the use of back up alarm.
- e. Equipment staging areas should be placed at locations away farthest away from noise sensitive receivers as deemed feasible.
- f. Temporary construction equipment operations shall comply with the County Noise Ordinance Sections 36.408, 409, and 410.

DOCUMENTATION: The applicant shall comply with the temporary construction noise measures and the County Noise Ordinance as described within this condition. **TIMING:** The following actions shall occur throughout the duration of the grading construction and construction equipment operations. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor complies with the construction noise control measures of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the applicant fails to comply with this condition.

BUILDING PERMIT: (Prior to approval of any building plan and the issuance of any building permit).

DRNG#1- LINES OF INUNDATION COMPLIANCE

INTENT: In order to provide protection from flood damage for the structures and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11 Sec 501 \(c\)\(2\)\)](#), [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), all on-site structures located within the inundation area shall be elevated one foot above the 100-year base flood elevation (BFE). **DESCRIPTION OF REQUIREMENT:** The building plans shall indicate that all proposed on-site structures located within the inundation area, including the solar panels at maximum tilt and the inverter pads will be raised one-foot above the 100-year base flood elevation.

DOCUMENTATION: The applicant shall indicate on the building plans that the requirement above has been met. **TIMING:** Prior to approval of any building plan and the issuance of any building permit associated with the structures referenced above, compliance with this condition is required. **MONITORING:** The [PDS, BPPR] shall review the building plans for consistency with this

GHG#1-COUNTY CLIMATE ACTION PLAN STATISFACTION

INTENT: In order to comply with the County's Climate Action Plan (CAP) measures, the project shall include the following features. **DESCRIPTION OF REQUIREMENT:** The project shall implement or install the following measures or features as required within Step 2 of the CAP Measure Consistency Checklist.

- a. **Measure 2:** Implement shared and reduced parking strategies including shared parking facilities, two carpool/vanpool-only parking spaces, event shuttle facilities, and two electric vehicle-only parking spaces.
- b. **Measure 3:** One (1) tankless gas or electric water heaters shall be installed at each residential unit.
- c. **Measure 4:** Low-flow faucets, kitchen faucets, toilets, and showers shall be installed at each residential unit with maximum flow rates of 1.5 gallons per minute at 60 psi. At least one dishwasher or clothes washer appliance installed in each residential unit shall be ENERGY STAR certified.
- d. **Measure 5:** One (1) rain collection barrel shall be installed per 500 square feet of roof area of each residential unit.
- e. **Measure 6:** The project will demonstrate compliance with the County's landscaping ordinance and demonstrate a 40 percent reduction in outdoor water use from the Maximum Applied Water Allowance (MAWA).
- f. **Measure 7:** The project will convert gas- and diesel- powered farm equipment to electric through participation in the San Diego Air Pollution Control District's (SDAPCD's) farm equipment incentive program, if incentives are available.
- g. **Measure 9:** Trees shall be planted on-site at a rate of two (2) trees per newly constructed residential unit. At a minimum, the project shall plant 35 total trees.

DOCUMENTATION: The applicant shall comply with the requirements of this condition. **TIMING:** Prior to the approval of the final map and prior to the approval of any plan and issuance of any permit. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Plans for compliance with **Measure 6** of this condition. The [PDS, BPPR] shall verify that the Building Plans comply with **Measure 2, Measure 3, Measure 4, Measure 5, Measure 7, and Measure 9** of this condition.

OCCUPANCY: (Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).

GEN#3–INSPECTION FEE

Intent: In order to comply with Zoning Ordinance Section 7362.e the inspection fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the inspection fee at the [PDS, ZC] to cover the cost of inspection(s) of the property to monitor ongoing conditions associated with this permit. In addition, submit a letter indicating who should be contacted to schedule the inspection. **DOCUMENTATION:** The applicant shall provide a receipt showing that the inspection fee has been paid along with updated contact information [PDS, PCC]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit. **MONITORING:** The [PDS, ZC] shall process an invoice and collect the fee. PDS will schedule an inspection within one year from the date that occupancy or use of the site was established.

LNDSCP#2–CERTIFICATION OF INSTALLATION

INTENT: In order to provide adequate Landscaping that provides screening, and to comply with the [COSD Water Efficient Landscape Design Manual](#), the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Off-Street Parking Design Manual](#), and the COSD Grading ordinance, all landscaping shall be installed. **DESCRIPTION OF REQUIREMENT:** All of the landscaping shall be installed pursuant to the approved Landscape Documentation Package. This does not supersede any erosion control plantings that may be applied pursuant to [Section 87.417 and 87.418 of the County Grading Ordinance](#). These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to construction of specific buildings or phases to the satisfaction of the [PDS, LA, PCC] [DPR, TC, PP]. **DOCUMENTATION:** The applicant shall submit to the [PDS LA, PCC], a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, PDS Form #406. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **MONITORING:** The [PDS, LA] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [PDS, PCC] [DPR, TC, PP] of compliance with the approved Landscape Documentation Package.

CULT#3 CULTURAL RESOURCES REPORT [PDS, FEE X2]

INTENT: In order to ensure that the Archaeological Monitoring occurred during the earth-disturbing activities, a final report shall be prepared. **DESCRIPTION OF REQUIREMENT:** A final Archaeological Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

- a. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that the disposition of all cultural materials collected during the survey, evaluation, and archaeological monitoring program have been completed as follows:

- (1) All prehistoric cultural materials shall be curated at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the archaeological monitoring program have been returned to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

- (2) Historic materials shall be curated at a San Diego curation facility as described above and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The applicant's archaeologist shall prepare the final report and submit it to the [PDS, PPD] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC), the Viejas Tribal Government, and any culturally-affiliated tribe who requests a copy. **TIMING:** Prior to any occupancy or final grading release, the final report shall be prepared. **MONITORING:** The [PDS, PPD] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

ROADS#4-ANNEX TO LIGHTING DISTRICT

INTENT: In order to promote orderly development and to comply with the Street Lighting Requirements of the [The County of San Diego Public Road Standards](#), the property shall transfer into the lighting district. **DESCRIPTION OF REQUIREMENT:** Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer. **DOCUMENTATION:** The applicant shall pay the Zone A Lighting District Annexation Fee at the [PDS, LDR]. The applicant shall provide the receipt to [PDS, PCC]. **TIMING:** Prior to occupancy of the first structure built in association with this permit, or use in the premises in reliance of this permit, the fee shall be paid. **MONITORING:** The [PDS, LDR] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant.

STRMWTR#3–VERIFICATION OF STRUCTURAL BMPs

INTENT: In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), verification of Structural BMPs shall be completed. **DESCRIPTION OF REQUIREMENT:** Complete a Structural BMP Verification Form as shown in Attachment 4 of the PDP SWQMP. **DOCUMENTATION:** The applicant shall process the Structural BMP Verification Forms *with* [DPW, PDCI] or [PDS, BLDG]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit; execution of the Structural BMP Verification Form shall be completed. **MONITORING:** The [PDS, LDR] and [DPW, WPP] shall review the Structural BMP Verification Forms for consistency with the condition and County Standards.

STRMWTR#4–PROVISION OF STORMWATER DOCUMENTATION TO PROPERTY OWNER

INTENT: In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), stormwater documentation shall be provided to property owner. **DESCRIPTION OF REQUIREMENT:** Demonstrate that copies of the following documents are provided to the property owner and initial occupants:

- a. A copy of the project's approved SWQMP (with attached Operation & Maintenance Plan).
- b. A copy of project's recorded Maintenance Notification Agreement and/or Stormwater Facilities Maintenance Agreement and/or Private Road Maintenance Agreement showing the Structural BMPs pertaining to the property.
- c. Sample copies of the following:
 - 1) A Letter for Privately Owned Stormwater Treatment Control Best Management Practices Operation and Maintenance Verification.
 - 2) One Operation and Maintenance Verification Form for each type of Private Treatment Control BMP.

DOCUMENTATION: The applicant shall submit a letter stating that the above documentation has been submitted to the property owner and initial occupants. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit; provision of stormwater documents shall be completed. **MONITORING:** The [PDS, LDR] and [DPW, WPP] shall review the letter provided by the applicant for consistency with the condition and County Standards.

NOISE#4–NOISE CONTROL DESIGN MEASURES [PDS FEE X2]

INTENT: In order to reduce the impacts of the exterior sound levels from the project site on the adjacent parcels and to comply with the [County of San Diego Noise Ordinance 36.404](#) as evaluated in the [County of San Diego Noise Guidelines for Determining Significance](#), the following design measures shall be verified that they are constructed. **DESCRIPTION OF REQUIREMENT:** The following noise control design measure(s) shall be constructed pursuant to the approved building plans:

- a. Hours of operations would be limited to 7:00 am to 10:00 pm, where no music, live or recorded would occur after 10:00 pm.
- b. No Distributed speaker systems will be allowed for the event area, beyond the Hospitality and Winery Building

- c. There will be only one event on-site occurring simultaneously on any given day.
- d. Noise generated from the winery would not exceed the allowable noise level limit per Noise Ordinance, Section 36.404 of 50 dBA daytime and 45 dBA nighttime limits.
- e. If substantial new information and/or major project design changes occur to what was previously assessed, then additional noise review or noise report may be necessary to ensure noise ordinance compliance.

TIMING: Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the noise control measure shall be installed and operational.

MONITORING: The [PDS, BI] shall verify that the noise control measures above have been constructed pursuant to the approved building plans and this permit's conditions.

ONGOING: *(Upon establishment of use the following conditions shall apply during the term of this permit).*

ROADS#5–SIGHT DISTANCE

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.E of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:**

- a. Have a registered civil engineer, or a licensed land surveyor provides a certified signed statement that: I, _____, a Registered Civil Engineer, certify that: "There is _____ feet of unobstructed intersectional sight distance in both directions along **Highland Valley Road** from both of the existing private driveways including both the northerly and southerly driveways, measured in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____ as described in Table 5 based on a speed of _____, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code. Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
- b. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

DOCUMENTATION: The applicant shall complete the certifications and submit them to the [PDS, LDR] for review. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for compliance of this permit.

STRMWTR#5–SELF-VERIFICATION OPERATION AND MAINTENANCE LETTER

INTENT: In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), an operation and maintenance verification form for each Structural BMPs shall be

completed. **DESCRIPTION OF REQUIREMENT:** Every year the property owner shall receive from the County a BMP Verification Form to be completed for each privately owned Structural BMP. **DOCUMENTATION:** Every year the property owner shall file with the County the completed Structural BMP Verification Form stating the maintenance performed during the reporting period for each privately owned Structural BMP with [DPW, WPP]. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [DPW, WPP] is responsible for compliance of this permit.

NOISE#5–NOISE REQUIREMENT [PDS, FEE X2]

INTENT: In order to reduce the impacts of the exterior sound levels from the project site on the adjacent parcels and to comply with the [County of San Diego Noise Ordinance 36.404](#) as evaluated in the [County of San Diego Noise Guidelines for Determining Significance](#), the following design measures shall be implemented on the building plans and in the site design. **DESCRIPTION OF REQUIREMENT:** The following design elements and noise attenuation measures shall be implemented and indicated on the building plans and made conditions of its issuance:

- f. Hours of operations would be limited to 7:00 am to 10:00 pm, where no music, live or recorded would occur after 10:00 pm.
- g. No Distributed speaker systems will be allowed for the event area, beyond the Hospitality and Winery Building
- h. There will be only one event on-site occurring simultaneously on any given day.
- i. Noise generated from the winery would not exceed the allowable noise level limit per Noise Ordinance, Section 36.404 of 50 dBA daytime and 45 dBA nighttime limits.
- j. If substantial new information and/or major project design changes occur to what was previously assessed, then additional noise review or noise report may be necessary to ensure noise ordinance compliance.

DOCUMENTATION: The applicant shall place the design elements, or notes on the building plans and submit the plans to [PDS, BPPR] for review and approval. **TIMING:** Prior to issuance of any building permit, the design elements and noise attenuation measures shall be incorporated into the building plans. **MONITORING:** The [PDS, BPPR] shall verify that the specific note(s), and design elements, and noise attenuation measures have been placed on all sets of the building plans and made conditions of its issuance.

.NOISE#6–ON-GOING SOUND LEVEL COMPLIANCE: [PDS, CODES] [OG]

INTENT: In order to comply with the applicable sections of Title 3, Division 6, Chapter 4 (County of San Diego Noise Ordinance), the site shall comply with the requirements of this condition. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the following requirements: Major Use Permit associated activities shall comply with the one-hour average sound level limit property line requirement pursuant to the County Noise Ordinance, Section 36.404. **DOCUMENTATION:** The property owner(s) and applicant shall conform to the ongoing requirements of this condition. Failure to conform to this condition may result in disturbing, excessive or offensive noise interfering with a person's right to enjoy life and property and is detrimental to the public health and safety

pursuant to the applicable sections of Chapter 4. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, CODES] is responsible for enforcement of this permit.

The following Grading and or Improvement Plan Notes shall be placed on the Preliminary Grading Plan and made conditions of the issuance of said permits. An email or disc will be provided with an electronic copy of the grading plan note language.

PRE-CONSTRUCTION GRADING AND/OR IMPROVEMENTS: *(Prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

BIO#GR-1-RESOURCE AVOIDANCE AREA FOR NESTING BIRDS AND RAPTORS [PDS, FEE X2]

INTENT: In order to avoid impacts to nesting birds, gnatcatcher and raptors, which are sensitive biological resources pursuant to CEQA, the federal Migratory Bird Treaty Act, and Sections 3503, 3503.5 and 3513 of the California Fish and Game Code and the Endangered Species Act, a Resource Avoidance Area (RAA), shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** If operation of pile drivers, or cast-in-drilled-hole equipment occurs during the breeding seasons for migratory birds and raptors (January 15 to August 31), survey(s) shall be conducted within 7 days prior to project implementation by a qualified biologist to determine whether breeding birds occur within the areas potentially impacted by noise (within 2,600 feet of project impact site). If it is determined at the completion of surveys that there are no nesting birds (includes nest building or other breeding/nesting behavior) within the potential impact area, project activities shall be allowed to proceed. If surveys determine the presence of active nests, then operation of the following equipment shall not occur within the specified distances from an active nest during the respective breeding seasons: general construction within 300 feet; a dozer within 400 feet; an excavator within 350 feet; rock crusher equipment within 1,350 feet; a breaker within 500 feet; a pile driver within 2,600 feet; and cast-in-drilled holes equipment within 350 feet. Construction within the specified distances shall:

- (1) be postponed until a qualified biologist determines the nest(s) is no longer active or until after the respective breeding season; or
- (2) not occur until a temporary noise barrier or berm is constructed at the edge of the development footprint and/or around the piece of equipment to ensure that noise levels are reduced to below 60 dBA or ambient.

DOCUMENTATION: The applicant shall comply with the Biological requirements of this condition. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **MONITORING:** Decibel output will be confirmed by a County-approved noise specialist and intermittent monitoring by a qualified biologist to ensure that conditions have not changed will be required. Furthermore, if project activities are to resume in an area where they have not occurred for a period of seven or more days during the breeding season, an updated survey for avian nesting will be conducted. All improvement plans and the Site Plan shall state the same.

CULT#GR-1 ARCHAEOLOGICAL MONITORING – PRECONSTRUCTION MEETING [PDS, FEE X2]

INTENT: In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: The County approved Project Archaeologist and Kumeyaay Native American Monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the archaeological monitoring program. The Project Archaeologist shall communicate the status of the project to the Viejas Tribal Government. The Project Archaeologist and Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The Project Archaeologist and Kumeyaay Native American monitor shall also evaluate fill soils to ensure that they are clean of cultural resources and shall monitor the removal of the soil stockpile within CA-SDI-16508a. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Kumeyaay Native American attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall confirm the attendance of the approved Project Archaeologist.

DURING CONTRUCTION: *(The following actions shall occur throughout the duration of the grading construction).*

CULT#GR-2 ARCHAEOLOGICAL MONITORING – DURING CONSTRUCTION [PDS, FEE X2]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Cultural Resource Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist and Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. During the original cutting of previously undisturbed deposits, the Project Archaeologist and Kumeyaay Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor.
- b. The Project Archaeologist and Kumeyaay Native American monitor shall monitor the removal of the soil stockpile within CA-SDI-16508a.
- c. In the event that previously unidentified potentially significant cultural resources are discovered:
 1. The Project Archaeologist or the Kumeyaay Native American monitor shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources.
 2. At the time of discovery, the Project Archaeologist shall contact the PDS staff archaeologist.
 3. The Project Archaeologist shall communicate that a discovery has been made to the Viejas Tribal Government.

4. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Kumeyaay Native American Monitor, shall determine the significance of the discovered resources.
 5. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation.
 6. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the isolates and/or non-significant deposits not be collected by the Project Archaeologist, then the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program.
 7. A Research Design and Data Recovery Program (Program) is required to mitigate impacts to identified significant cultural resources. The Program shall include (1) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites; (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).
 8. The Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in coordination with the Kumeyaay Native American Monitor.
 9. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods.
- d. If any human remains are discovered:
1. The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
 2. The Project Archaeologist shall communicate that a discovery has been made to the Viejas Tribal Government.
 3. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin.
 4. If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.
 5. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
 6. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.

DOCUMENTATION: The applicant shall implement the Archaeological Monitoring Program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Archeologist or applicant fails to comply with this condition.

PALEO#GR-1 - PALEONTOLOGICAL MONITORING

INTENT: In order to comply with the County of San Diego Significance and Report Format Guidelines for Paleontological Resources, a Paleontological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** This project site has marginal levels of sensitive Paleontological resources. All grading activities are subject to the [County of](#)

San Diego Grading Ordinance Section 87.430, if any significant resources (Fossils) are encountered during grading activities.

- a. The grading contractor is responsible to monitor for paleontological resources during all grading activities. If any fossils are found greater than 12 inches in any dimension, stop all grading activities and contact PDS before continuing grading operations.
- b. If any paleontological resources are discovered and salvaged, the monitoring, recovery, and subsequent work determined necessary shall be completed by or under the supervision of a Qualified Paleontologist pursuant to the San Diego County Guidelines for Determining Significance for Paleontological Resources.

TIMING: The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact PDS if the grading contractor or applicant fails to comply with this condition.

ROUGH GRADING: *(Prior to rough grading approval and issuance of any building permit).*

CULT#GR-3 ARCHAEOLOGICAL MONITORING – ROUGH GRADING [PDS, FEE]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare one of the following reports upon completion of the earth-disturbing activities that require monitoring and communicate with local tribes as required below:

- a. If no archaeological resources are encountered during earth-disturbing activities, then submit a final Negative Monitoring Report substantiating that earth-disturbing activities are completed and no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site and any comments from the Kumeyaay Native American Monitor must be included in the Negative Monitoring Report.
- b. If archaeological resources were encountered during the earth disturbing activities, the Project Archaeologist shall provide an Archaeological Monitoring Report stating that the field monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation and/or repatriation phase of the monitoring.
- c. The Project Archaeologist shall communicate the status of the project to the Viejas Tribal Government.

DOCUMENTATION: The applicant shall submit the Archaeological Monitoring Report to the [PDS, PPD] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and any culturally affiliated tribe that requests a copy of the report. **TIMING:** Upon completion of all earth-disturbing activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed. **MONITORING:** The [PDS, PPD] shall review the report or field

monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

PALEO#GR-2 PALEONTOLOGICAL MONITORING

INTENT: In order to comply with the County of San Diego Significance and Report Format Guidelines for Paleontological Resources, a Paleontological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** One of the following letters shall be performed upon completion of the grading activities that require monitoring:

- a. If no paleontological resources were discovered, submit a "No Fossils Found" letter from the grading contractor to PDS stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the [County of San Diego Guidelines for Determining Significance for Paleontological Resources](#).
- b. If paleontological resources were encountered during grading, a letter shall be prepared stating that the field grading monitoring activities have been completed, and that resources have been encountered. The letter shall detail the anticipated time schedule for completion of the curation phase of the monitoring.

DOCUMENTATION: The applicant shall submit the letter report to PDS for review and approval. **TIMING:** Upon completion of all grading activities, and prior to Rough Grading Final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the letter report shall be completed. **MONITORING:** PDS shall review the final negative letter report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

FINAL GRADING RELEASE: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

CULT#GR-4 ARCHAEOLOGICAL MONITORING – FINAL GRADING [PDS, FEE]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth-disturbing activities. The report and communications shall include the following, if applicable:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that the disposition of all cultural materials has been completed as follows:
 - (1) Evidence that all prehistoric materials collected during the archaeological monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or

culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the archaeological monitoring program have been returned to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

(2) Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the archaeological monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.
- e. The Project Archaeologist shall communicate the status of the project to the Viejas Tribal Government.

DOCUMENTATION: The applicant's archaeologist shall prepare the final report and submit it to the [PDS, PPD] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC), the Viejas Tribal Government, and any culturally affiliated tribe that requests a copy of the report. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The [PDS, PPD] shall review the final report for compliance with this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

ORDINANCE COMPLIANCE NOTIFICATIONS: The project is subject to, but not limited to the following County of San Diego, State of California, and US Federal Government, Ordinances, Permits, and Requirements:

NOTICE: The subject property contains wetlands, a lake, a stream, and/or waters of the U.S. which may be subject to regulation by State and/or federal agencies, including, but not limited to, the Regional Water Quality Control Board, U.S. Army Corps of Engineers and the California Department of Fish and Wildlife. It is the applicant's responsibility to consult with each agency to determine if a permit, agreement or other approval is required and to obtain all necessary permits, agreements or approvals before commencing any activity which could impact the wetlands, lake, stream, and/or waters of the U.S. on the subject property. The agency contact information is provided below.

U.S. Army Corps of Engineers: 915 Wilshire Blvd., Suite 1101, Los Angeles, CA 90017; (213) 452-3333; <http://www.usace.army.mil/>

Regional Water Quality Control Board: 2375 Northside Drive, Suite 100, San Diego, CA 92108; RB9 DredgeFill@waterboards.ca.gov ;<http://www.waterboards.ca.gov/sandiego/>

California Department of Fish and Wildlife: 3883 Ruffin Rd., San Diego, CA 92123; (858) 636-3160; AskR5@wildlife.ca.gov; <http://www.dfg.ca.gov/>

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10410 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

NOISE ORDINANCE COMPLIANCE: In order to comply with the [County Noise Ordinance 36.401](#) et seq. and the Noise Standards pursuant to the General Plan Noise Element (Table N-1 & N-2), the property and all of its uses shall comply with the approved plot plans, specific permit conditions and approved building plans associated with this permit. No noise generating equipment and project related noise sources shall produce noise levels in violation of the County Noise Ordinance. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to noise generating devices or activities. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

LOW IMPACT DEVELOPMENT NOTICE: The San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning in May 2013. Project design shall be in compliance with the new Municipal Permit regulations. The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link:

<http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED PROTECTION PROGRAM/susmppdf/lid handbook 2014sm.pdf>

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link below. <http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>

TRANSPORTATION IMPACT FEE: The project is subject to County of San Diego

Transportation Impact Fee (TIF) pursuant to County TIF Ordinance number 77.201 - 77.223. The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [PDS, LO Counter] and provide a copy of the receipt to the [PDS, BO] at time of permit issuance.

The undersigned, as the individual(s) with legal authority to fully represent the above-referenced project, concur with the inclusion of the above-listed amendments as conditions of approval of the referenced project

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Ashley Smith, Planning Manager
Project Planning Division

MW:AS:jm



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
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KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

August 27, 2020

CEQA Initial Study - Environmental Checklist Form (Based on the State CEQA Guidelines, Appendix G)

1. Title; Project Number(s); Environmental Log Number:

Smilax Townhome Project; PDS2019-TM-5634, PDS2019-GPA-19-003, PDS2019-REZ-19-002, PDS2019-STP-19-014; PDS2019-ER-19-08-002

2. Lead agency name and address:

County of San Diego, Planning & Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123-1239

3. a. Contact Jessica Madamba, Project Manager
b. Phone number: (858) 495-5453
c. E-mail: Jessica.madamba@sdcounty.ca.gov

4. Project location:

425 Smilax Road , within unincorporated San Diego County

5. Project Applicant name and address:

KB Homes, Kurt Bausback
9915 Mira Mesa Blvd., Suite 100
San Diego, CA 92131

6. General Plan

Community Plan:

North County Metro Subregional Plan

Land Use Designation:

Village Residential 2 (VR-2)

Proposed LU Designation:

Village Residential 15 (VR-15)

Density:

2 du/acre

Proposed Density

13.3 du/acre

Floor Area Ratio (FAR)

N/A

7. Zoning

Use Regulation:	RR, Rural Residential
Proposed Use Regulation:	RM, Multi-Family Residential
Minimum Lot Size:	0.5 acres
Special Area Regulation:	C – Airport Land Use Compatibility Area

8. Description of project:

The applicant is proposing infill development of 62 attached condominiums and two common open space areas on approximately 4.9 acres of land within the North County Metro Subregional Plan area. The Project site has an existing single-family residence and associated accessory structures that will be demolished and removed.

The Project will require the following discretionary actions:

- a General Plan Amendment (GPA);
- a Rezone;
- a Site Plan; and
- a Tentative Map.

The General Plan Amendment would change the General Plan Land Use Designation from Village Residential (VR-2), which would allow for two dwelling units per acre to Village Residential (VR-15), which would allow for 15 dwelling units per acre. The Regional Category of Village applies to the property; no change to the Regional Category is proposed with the Project. The Rezone would change the zoning designation from Rural Residential (RR) to Multi-Family Residential (RM). A Site Plan would be required due to the addition of the “D” special area designator, ensuring the development of the site will complement the surrounding areas and existing development pursuant to Section 5900 et. al of the Zoning Ordinance. The Tentative Map is required for the condominium subdivision.

The Project site is located at Mimosa Avenue and Smilax Road in the North County Metropolitan Subregional Plan area, within unincorporated San Diego County. The site is situated in a County island directly adjacent to the municipal boundary between the incorporated cities of San Marcos and Vista. Access to the site would be provided by a 24-foot wide private street connecting to Smilax Road and a gated secondary emergency access connecting to Poinsettia Avenue. Earthwork will consist of balance cut and fill of approximately 15,000 cubic yards.

The Project would be served by the water service from the Vista Irrigation District and sewer provided by the Buena Sanitation Maintenance District. Sewer ties will be extended into Smilax Road as well as Poinsettia Avenue as required by the Buena Sanitation Maintenance District. Two recreation areas are proposed for resident use, totaling 9,082 square feet, and each dwelling unit has 130 square feet of private open space.

Two parking spaces will be provided for each detached condominium unit, and a total of 19 spaces will be provided adjacent to the two proposed onsite recreation area. This includes 7 parking spaces complying with the American Disability Act. No off-site parking is proposed. The Project will also include two electric vehicle (EV) charging stations.

Landscaping in accordance with the County's Water Conservation in Landscaping Ordinance will be installed, including two new trees planted per dwelling unit.

9. Surrounding land uses and setting (Briefly describe the project's surroundings):

The Project site is within unincorporated northern San Diego County. The Project site is bounded by Poinsettia Avenue to the west and Smilax Road to the east. Lands surrounding the Project site are used for residential uses, as well as an elementary school directly adjacent to the Project site to the southwest. The municipal boundary of the City of San Marcos bounds the Project site to the east.

Higher density residential development tracts are located nearby to the west, north, and east, including multi-family residential use (apartments) to the west along Oleander Avenue and Hibiscus Avenue, and to the northeast and east at the opposite end of Adeline Court. Single-family residential uses are adjacent the site to the north and south. The Joli Ann Leichtag Elementary School is located directly southwest of the Project site.

The topography of the Project site and surrounding land is relatively flat. The site is located within 0.1 miles of SR-78.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

<u>Permit Type/Action</u>	<u>Agency</u>
General Plan Amendment Landscape Plans Rezone Site Plan Tentative Map	County of San Diego
Water District Approval	Vista Irrigation District
Sewer District Approval	Buena Sanitation Maintenance District
Fire District Approval	Vista Fire Protection District

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code §21080.3.1? If so, has consultation begun?

YES
☒

NO
☐

Note: Conducting consultation early in the CEQA process allows tribal governments, public lead agencies, and project proponents to discuss the level of environmental review,

identify and address potential adverse impacts to tribal cultural resources, and to reduce the potential for delay and conflict in the environmental review process (see Public Resources Code §21083.3.2). Information is also available from the Native American Heritage Commission's Sacred Lands File per Public Resources Code §5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code §21082.3(e) contains provisions specific to confidentiality.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project and involve at least one impact that is a "Potentially Significant Impact" or a "Less Than Significant With Mitigation Incorporated," as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> <u>Aesthetics</u> | <input checked="" type="checkbox"/> <u>Agriculture and Forestry Resources</u> | <input checked="" type="checkbox"/> <u>Air Quality</u> |
| <input checked="" type="checkbox"/> <u>Biological Resources</u> | <input type="checkbox"/> <u>Cultural Resources</u> | <input checked="" type="checkbox"/> <u>Geology & Soils</u> |
| <input type="checkbox"/> <u>Greenhouse Gas Emissions</u> | <input type="checkbox"/> <u>Hazards & Haz. Materials</u> | <input type="checkbox"/> <u>Hydrology & Water Quality</u> |
| <input type="checkbox"/> <u>Land Use & Planning</u> | <input type="checkbox"/> <u>Mineral Resources</u> | <input type="checkbox"/> <u>Noise</u> |
| <input type="checkbox"/> <u>Population & Housing</u> | <input type="checkbox"/> <u>Public Services</u> | <input type="checkbox"/> <u>Recreation</u> |
| <input type="checkbox"/> <u>Transportation/Traffic</u> | <input type="checkbox"/> <u>Utilities & Service Systems</u> | <input checked="" type="checkbox"/> <u>Mandatory Findings of Significance</u> |

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

- ☐ On the basis of this Initial Study, Planning & Development Services finds that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ On the basis of this Initial Study, Planning & Development Services finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ On the basis of this Initial Study, Planning & Development Services finds that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Jessica Madamba

Signature

8/25/2020

Date

Jessica Madamba
Printed Name

Land Use/Environmental Planner
Title

INSTRUCTIONS ON EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, Less Than Significant With Mitigation Incorporated, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less Than Significant With Mitigation Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance

I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

A vista is a view from a particular location or composite views along a roadway or trail. Scenic vistas often refer to views of natural lands, but may also be compositions of natural and developed areas, or even entirely of developed and unnatural areas, such as a scenic vista of a rural town and surrounding agricultural lands. What is scenic to one person may not be scenic to another, so the assessment of what constitutes a scenic vista must consider the perceptions of a variety of viewer groups.

The items that can be seen within a vista are visual resources. Adverse impacts to individual visual resources or the addition of structures or developed areas may or may not adversely affect the vista. Determining the level of impact to a scenic vista requires analyzing the changes to the vista as a whole and also to individual visual resources.

As described in the General Plan Update Environmental Impact Report (GPU EIR; County of San Diego 2011), the County contains visual resources affording opportunities for scenic vistas in every community. Resource Conservation Areas (RCAs) are identified within the GPU EIR and are the closest that the County comes to specifically designating scenic vistas. Many public roads in the County currently have views of RCAs or expanses of natural resources that would have the potential to be considered scenic vistas. Numerous public trails are also available throughout the County. New development can often have the potential to obstruct, interrupt, or detract from a scenic vista.

Less than Significant Impact: The Project site is located within the North County Metropolitan Subregional Plan Area, approximately 0.1 miles south of SR-78. The site is not within the viewshed of a County General Plan Designated Scenic Corridor. Additionally, the County has not designated any RCAs for the purpose of conserving visual or aesthetic resources within the vicinity of the Project site. The site is surrounded by single and multi-family residential development. Based on photosimulations of the proposed development provided by the applicant, the proposed Project is not located near or within, or visible from a scenic vista and will not substantially change the composition of an existing scenic vista in a way that would adversely alter the visual quality or character of the view. Therefore, the proposed project will not have a substantial adverse effect on a scenic vista.

The project will not result in cumulative impacts on a scenic vista because the proposed project viewshed and past, present and future projects within that viewshed were evaluated to determine their cumulative effects. Refer to XVIII. Mandatory Findings of Significance for a comprehensive list of the projects considered. Those projects listed in Section XVII are located within the scenic vista's viewshed and will not contribute to a cumulative impact because all projects are designed

to be compatible with the overall visual character of the area. Therefore, the project will not result in adverse project or cumulative impacts on a scenic vista.

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

State scenic highways refer to those highways that are officially designated by the California Department of Transportation (Caltrans) as scenic ([Caltrans - California Scenic Highway Program](#)). Generally, the area defined within a State scenic highway is the land adjacent to and visible from the vehicular right-of-way. The dimension of a scenic highway is usually identified using a motorist's line of vision, but a reasonable boundary is selected when the view extends to the distant horizon. The scenic highway corridor extends to the visual limits of the landscape abutting the scenic highway.

Less than Significant Impact: The proposed Project is not located near or visible within the composite viewshed of the a State scenic highway and will not damage or remove visual resources within a State scenic highway. The Project site is not located within the vicinity of a State Scenic highway, nor is it located within the viewshed of a County scenic roadway as designated in the Conservation and Open Space Element of the County of San Diego General Plan. Therefore, the proposed project will not have a substantial adverse effect on a scenic resource within a State or County scenic highway.

The project will not result in cumulative impacts on a scenic vista because the proposed project viewshed and past, present and future projects within that viewshed were evaluated to determine their cumulative effects. Refer to XVIII. Mandatory Findings of Significance for a comprehensive list of the projects considered. Those projects listed in Section XVII are located within the scenic vista's viewshed and will not contribute to a cumulative impact because all projects are compatible with the existing viewshed. Therefore, the project will not result in any adverse project or cumulative level effect on a scenic resource within a State scenic highway.

- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views at the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized, area, would the project conflict with applicable zoning and other regulations governing scenic quality?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Visual character is the objective composition of the visible landscape within a viewshed. Visual character is based on the organization of the pattern elements line, form, color, and texture. Visual character is commonly discussed in terms of dominance, scale, diversity and continuity. Visual quality is the viewer's perception of the visual environment and varies based on exposure, sensitivity and expectation of the viewers.

Less than Significant Impact: The Project site within a residential area of the North County Metropolitan Subregional Plan area, located between Poinsettia Avenue and Smilax Road. The existing visual character and quality of the Project site and surrounding can be characterized as moderately developed with single and multi-family residential land uses, interspersed with specialized land uses including an elementary school and a church. The site and surrounding area is located on relatively flat to slightly sloped grades. Viewer groups of the Project site include those travelling along Mimosa Avenue, Smilax Road, and Adeline Court.

The proposed Project within the landscape would not detract from or contrast with the existing visual character and/ or quality of the surrounding area for the following reasons: the height, setbacks, and design of the proposed condominiums are consistent to the height designator, setbacks, and design of the residential development of the surrounding area; the proposed development is subject to design review by the County through a discretionary Site Plan to ensure the proposed structures and development will complement the surrounding areas and existing development; and landscaping has been incorporated within the Project along Smilax Road and Poinsettia Avenue for screening purposes from viewers. The location, size, and design of the proposed use would be compatible with adjacent uses due to the following reasons: the proposed condominium development is similar to nearby higher density residential development to the west, northeast, and east. Viewer exposure to the Project would be a less than significant effect since the project is proposed in a developed residential area and has been designed in a way to be compatible with the surrounding use types. Therefore, the proposed Project will not result in a substantial effect on the existing visual character or quality of the site and its surroundings.

The project will not result in cumulative impacts on visual character or quality because the entire existing viewshed and a list of past, present and future projects within that viewshed were evaluated. Refer to XIX. Mandatory Findings of Significance for a comprehensive list of the projects considered. Those projects listed in Section XIX are located within the viewshed surrounding the project and will not contribute to a cumulative impact because the project would be visually integrated into the surroundings in an unobtrusive manner. Therefore, the project will not result in any adverse project or cumulative level effect on visual character or quality on-site or in the surrounding area.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: The proposed Project will use outdoor lighting and is located within Zone B as identified by the San Diego County Light Pollution Code, approximately 50 miles from the Mount Laguna Observatory and approximately 21 miles from Palomar Observatory. However, the project will not adversely affect nighttime views or astronomical observations, because the project will conform to the Light Pollution Code (Section 51.201-51.209), including the Zone B lamp type and shielding requirements per fixture and hours of operation limitations for outdoor lighting and searchlights.

The project will not contribute to significant cumulative impacts on day or nighttime views because the project will conform to the Light Pollution Code. The Code was developed by the San Diego County Planning & Development Services Department and Department of Public Works in cooperation with lighting engineers, astronomers, land use planner from San Diego Gas and Electric, Palomar and Mount Laguna observatories, and local community planning and sponsor groups to effectively address and minimize the impact of new sources light pollution on nighttime views. The standards in the Code are the result of this collaborative effort and establish an acceptable level for new lighting. Compliance with the Code is required prior to issuance of any building permit for any project. Mandatory compliance for all new building permits ensures that this project in combination with all past, present and future projects will not contribute to a cumulatively considerable impact. Therefore, compliance with the Code ensures that the project will not create a significant new source of substantial light or glare, which would adversely affect daytime or nighttime views in the area, on a project or cumulative level.

In addition, the project's outdoor lighting is controlled through the Site Plan Permit, which further limits outdoor lighting through strict controls. Therefore, compliance with the Code, in combination with the outdoor lighting and glare controls listed above ensures that the project will not create a significant new source of substantial light or glare.

II. AGRICULTURE AND FORESTRY RESOURCES -- Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance (Important Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, or other agricultural resources, to non-agricultural use?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant with Mitigation Incorporated: The Project site contains soils which have been mapped by the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency. A Local Agricultural Resources Assessment (LARA) Model and Agricultural Resources Memo has been prepared for the Project by County Agricultural Resources Specialist Jenna Rody, dated August 8th, 2019. The Project site contains PeC, HrC, and DaC soil types,

which are considered Farmland of Statewide Importance Soil Candidates by the County of San Diego's Guidelines for Determining Significance as defined by the FMMP. Of the total land area on the Project site, 3.96 acres have been determined to be available for agricultural use. Due to the Project's site soil rating of Moderate pursuant to the LARA model, as well as water and climate ratings of High, combined with the site's complementary factors, the site is considered to be an important agricultural resource. The Guidelines for Determining Significance for Agricultural Resources require that direct impacts to agricultural resources be mitigated at a 1:1 ratio. With the incorporation of mitigation measures, impacts to agricultural resources would be reduced to a less than significant level. See below for the Project's mitigation measures.

Mitigation Measures

AGR#1 – AGRICULTURAL PRESERVATION – PACE MITIGATION

- The applicant shall acquire mitigation credits from the County of San Diego Purchase of Agricultural Conservation Easement (PACE) mitigation bank and/or the conservation of agricultural resources through the granting of an Agricultural Preservation Easement in perpetuity to the County of San Diego.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact with Mitigation Incorporated: The Project site is zoned Rural Residential (RR) which allows for single-family residential land uses as well as limited agriculture land uses. As discussed above in response II.a., the project has the potential to impact agricultural resources. However, the Project would have a less than significant impact with the incorporation of Project mitigation measures for Agricultural Preservation and/or PACE mitigation. The Project site's land is not under a Williamson Act Contract, nor is surrounded by any such land. The nearest agricultural preserve is located approximately 3.0 miles northeast of the Project site and the nearest lands under Williamson Act Contract are located approximately 6.2 miles to the northeast of the Project site. Therefore, with the incorporation of mitigation, the Project would not conflict with existing zoning for agricultural use, or a Williamson Act Contract.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), or timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The Project site including offsite improvements do not contain forest lands or timberland. The County of San Diego does not have any existing Timberland Production Zones. In addition, the Project is consistent with existing zoning and a rezone of the property is not proposed. Therefore, Project implementation would not conflict with existing zoning for, or cause rezoning of, forest land, timberland or timberland production zones.

- d) Result in the loss of forest land, conversion of forest land to non-forest use, or involve other changes in the existing environment, which, due to their location or nature, could result in conversion of forest land to non-forest use?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project site does not contain any forest lands as defined in Public Resources Code section 12220(g), therefore project implementation would not result in the loss or conversion of forest land to a non-forest use. In addition, the Project is not within the vicinity of offsite forest resources.

- e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Important Farmland or other agricultural resources, to non-agricultural use?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: The lands within the quarter mile surrounding area have been identified as the Project's Zone of Influence (ZOI) pursuant to the LARA model prepared for the Project. The majority of land uses within the Project's ZOI do not support, nor are compatible with an agricultural use. The nearest agricultural lands to the site are approximately 0.1 miles to the south of the Project site, however these lands are separated from the Project site by developed residential lots. Therefore, the Project would not result in other changes to the existing environment which could result in conversion of Important Farmland or other agricultural resources beyond those mentioned above in responses II.a. and II.b.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP)?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant with Mitigation Incorporated: The Project involves the development of 62 condominium units with attached garages and associated open space areas. An Air Quality Assessment was prepared for the Project by Ldn Consulting, Inc. dated June 9th, 2020.

The Regional Air Quality Strategy (RAQS) is largely based on population predictions by the San Diego Association of Governments (SANDAG). Per the 2016 RAQS, the largest contributors to air quality emissions are motor vehicles. The Project is an infill project, with an average trip distance of 6.14 miles according to the Project's approved traffic study. The Project's low average trip length would support the reduction of regional air quality emissions by reducing average trip lengths in the County.

The Project has a land use designation of VR-2 and proposes the re-designation of land use to VR-15, resulting in an increase over what was anticipated in the County's General Plan by 53 units. As such, the Project was not included in the underlying growth estimated for the San Diego Air Basin (SDAB) and would not have been directly considered in the 2016 RAQS and therefore and would result in a potentially significant impact. Additionally, the RAQS are the regional plan that supports the implementation of the SIP. Thus, project's inconsistent with the RAQS are inherently inconsistent with the SIP. The Project would implement the following mitigation measure to reduce impacts to a less than significant level:

- **AQ#1:** Upon approval of the Project and prior to the issuance of grading permits, the County shall provide a revised housing and population forecasts to SANDAG to ensure that any revisions to the population and employment projections used by the SDAPCD in updating the RAQS and SIP will accurately reflect anticipated growth due to the proposed Project.

- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

San Diego County is presently in non-attainment for the 1-hour concentrations under the California Ambient Air Quality Standard (CAAQS) for Ozone (O₃). San Diego County is also presently in non-attainment for the annual geometric mean and for the 24-hour concentrations of particulate matter less than or equal to 10 microns (PM₁₀) under the CAAQS. O₃ is formed

when volatile organic compounds (VOCs) and nitrogen oxides (NO_x) react in the presence of sunlight. VOC sources include any source that burns fuels (e.g., gasoline, natural gas, wood, oil); solvents; petroleum processing and storage; and pesticides. Sources of PM₁₀ in both urban and rural areas include: motor vehicles, wood burning stoves and fireplaces, dust from construction, landfills, agriculture, wildfires, brush/waste burning, and industrial sources of windblown dust from open lands.

Less than Significant Impact: Air quality emissions associated with the Project include emissions from both construction and operation of the Project.

Construction emissions for the Project were quantified in pounds per day from the construction operations and equipment identified in the Air Quality Assessment. As a Project design feature and condition of approval of the Project, Tier IV or better construction equipment would be utilized during all phases of the grading and construction phases. Emissions for each pollutant type were analyzed and found to be well below significance thresholds set forth by the San Diego Air Pollution Control District (SDAPCD). Therefore, construction of the Project would not result in a cumulatively considerable net increase of any criteria pollutant and impacts would be less than significant.

Project buildout and operation of the Project is expected in 2022. The Project traffic generation results from the Project traffic study were utilized within CalEEMod 2016.3.2. The model was run for the winter and summer scenarios to determine operational impacts for the buildout year of full operations. The Project would not exceed SDAPCD operational air quality significance thresholds. Operational air quality impacts associated with the cumulatively considerable net increase of any criteria pollutant would be less than significant with the incorporation of Project design features as described in the Air Quality Assessment and required as Project conditions of approval.

In addition, a list of past, present and future projects within the surrounding area were evaluated and none of these projects emit significant amounts of criteria pollutants. Refer to XIX. Mandatory Findings of Significance for a comprehensive list of the projects considered. The proposed project as well as the past, present and future projects within the surrounding area, have emissions below the screening-level criteria established by the LUEG guidelines for determining significance, therefore, the construction and operational emissions associated with the proposed project are not expected to create a cumulatively considerable impact nor a considerable net increase of PM₁₀, or any O₃ precursors.

c) Expose sensitive receptors to substantial pollutant concentrations?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Air quality regulators typically define sensitive receptors as schools (Preschool-12th Grade), hospitals, resident care facilities, or day-care centers, or other facilities that may house

individuals with health conditions that would be adversely impacted by changes in air quality. The County of San Diego also considers residences as sensitive receptors since they house children and the elderly.

Less than Significant Impact: The following sensitive receptors have been identified within a quarter-mile (the radius determined by the SCAQMD in which the dilution of pollutants is typically significant) of the proposed project: Joli Ann Leichtag Elementary, adjacent to the Project site to the southwest. Based on the Air Quality Assessment prepared by Ldn Consulting, Inc. dated June 9th, 2020, the Project would not exceed County standards at sensitive receptor locations with the incorporation of Project design features as described in the Air Quality Assessment and required as Project conditions of approval.

(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: Potential onsite odor generators would include short term construction odors from activities such as paving and possibly painting. Odors created during short term construction activities would most likely be from placing asphalt which has a slight odor from the bitumen and solvents used within hot asphalt. Since odors generated during construction are short-term, they would not be considered a significant impact.

For operations, the County Guidelines for Determining Significance for Air Quality (County of San Diego, 2007) includes a list of odor-producing uses that are typically recognized. Residential uses are not listed and would therefore not be a significant odor causing source. Based on this, the Project would not result in significant odors during operations, and impacts would be less than significant.

IV. BIOLOGICAL RESOURCES – Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant with Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant with Mitigation Incorporated: Based on an analysis of the County's Geographic Information System (GIS) records, the County's Comprehensive Matrix of Sensitive Species, and a Biological Resources Letter Report dated June 26th, 2020 prepared by Rincon Consultants Inc, it has been determined that the site supports native vegetation, namely non-native grassland. The project will result in impacts to 2.2 acres of non-native grassland. However, staff has determined that removal of this habitat will not result in substantial adverse effects with the incorporation of mitigation. The proposed mitigation consists of the purchase of 1.0 acre of non-native grassland mitigation credits through a County approved mitigation bank. Therefore, the impact is less than significant with the incorporation of mitigation. See below for the Project's mitigation measures:

- **BIO#1:** The applicant shall purchase habitat credit or provide for the conservation of habitat of 1.0 acre of non-native grassland, located at the Brook Forest Mitigation Bank or other County approved mitigation bank in North San Diego County. If non-native credits are not available at the time of purchase, then credits for mixed chaparral (out-of-kind habitat) should be purchased at the same ratio.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant with Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant with Mitigation Incorporated: Based on an analysis of the County's Geographic Information System (GIS) records, the County's Comprehensive Matrix of Sensitive Species, and a Biological Resources Letter Report dated June 26th, 2020 prepared by Rincon Consultants Inc, it has been determined that the site does not contain riparian habitat as defined by the County of San Diego Multiple Species Conservation Program (MSCP), County of San Diego Resource Protection Ordinance (RPO), Natural Community Conservation Plan (NCCP), Fish and Wildlife Code, Endangered Species Act, Clean Water Act, or any other local or regional plans, policies or regulations. Therefore, the project will not have a substantial adverse effect on any riparian habitat. The proposed project would impact 2.2 acres of non-native grassland, which is a sensitive vegetative community identified by the County's Guidelines for Determining Significance for Biological Resources. The project would mitigate for the impact through the purchase of 1.0 acre of non-native grassland mitigation credits from a County approved mitigation bank. Therefore, impacts would be less than significant with the incorporation of mitigation. . See below for the Project's mitigation measures:

- **BIO#1:** The applicant shall purchase habitat credit or provide for the conservation of habitat of 1.0 acre of non-native grassland, located at the Brook Forest Mitigation Bank or other County approved mitigation bank in North San Diego

County. If non-native credits are not available at the time of purchase, then credits for mixed chaparral (out-of-kind habitat) should be purchased at the same ratio.

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant with Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: Based on an analysis of the County's Geographic Information System (GIS) records and a Biological Resources Letter Report dated June 26th, 2020 prepared by Rincon Consultants Inc, it has been determined that the site does not contain any wetlands as defined by Section 404 of the Clean Water Act, including, but not limited to, marsh, vernal pool, stream, lake, river or water of the U.S., that could potentially be impacted through direct removal, filling, hydrological interruption, diversion or obstruction by the proposed development. Therefore, no impacts will occur to wetlands defined by Section 404 of the Clean Water Act and under the jurisdiction of the Army Corps of Engineers.

- d) Interfere substantially with the movement of any native resident or migratory Fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant with Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: Based on an analysis of the County's Geographic Information System (GIS) records, the County's Comprehensive Matrix of Sensitive Species, and a Biological Resources Letter Report dated June 26th, 2020 prepared by Rincon Consultants Inc, it has determined that the site has limited biological value and impedance of the movement of any native resident or migratory fish or wildlife species, the use of an established native resident or migratory wildlife corridors, and the use of native wildlife nursery sites would not be expected as a result of the proposed project due to the site being completely surrounded by residential development and the size of the project site being composed of less than 5 acres of non-native grassland, which does not qualify as raptor foraging habitat per County guidelines. Breeding season avoidance measures will be implemented if an active nest is observed in order to reduce any potential impacts.

- e) Conflict with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional or state habitat conservation plan or any other local policies or ordinances that protect biological resources?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant with Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: Refer to the attached Ordinance Compliance Checklist dated August 21st, 2020 for further information on consistency with any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional or state habitat conservation plan, including, Habitat Management Plans (HMP), Special Area Management Plans (SAMP), or any other local policies or ordinances that protect biological resources including the Multiple Species Conservation Program (MSCP), Biological Mitigation Ordinance, Resource Protection Ordinance (RPO), Habitat Loss Permit (HLP).

V. CULTURAL RESOURCES -- Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to 15064.5?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: Based on an analysis of records and a survey of the property by a County of San Diego approved historian, it has been determined that there are one or more historical resources within the project site. These resources include a single family residence. An historical resources report entitled, Historic-Period Building Evaluation – 425 Smilax Road dated February 11, 2020 and prepared by Bai “Tom” Tang evaluated the significance of the historical resources based on a review of historical records including records search, field inspection, historical background research and an architectural evaluation. Based on the results of this study, it has been determined that the historic resource is not significant pursuant to the State of California Environmental Quality Act (CEQA) Guidelines, Section 15064.5. Because the resources are not considered significant historic resources pursuant to CEQA Section 15064.5, the loss of these resources cannot contribute to a potentially significant cumulative impact.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: Based on an analysis of records and a survey of the property by a County of San Diego approved archaeologist Shelby Castells it has been determined that the project site does not contain any archaeological resources. The results of the survey are provided in an archaeological survey report entitled, Negative Cultural Resources Survey Report – 425 Smilax Road Project dated February 2020 and prepared by Shelby Castells.

- c) Disturb any human remains, including those interred outside of formal cemeteries?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: Based on an analysis of records and a survey of the property by a County of San Diego approved archaeologist Shelby Castells, it has been determined that the project will not disturb any human remains because the project site does not include a formal cemetery or any archaeological resources that might contain interred human remains. The results of the survey are provided in an archaeological survey report entitled, Negative Cultural Resources Survey Report – 425 Smilax Road Project dated February 2020 and prepared by Shelby Castells.

VI. ENERGY USE – Would the project:

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less than Significant with Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: The Project would result in the use of electricity and consumption of energy resources during both the construction and operation phases of the project; however the consumption is not expected to be wasteful, inefficient, or unnecessary for the following reasons.

Tier IV or better certified construction equipment would be utilized during all phases of construction. Tier IV diesel engine standards are the strictest EPA emissions requirement for off-highway diesel engines. This requirement regulates the amount of particulate matter (PM),

or black soot, and nitrogen oxides (NOx) that can be emitted from an off-highway diesel engine. Tier IV equipment also runs more efficiently and thus uses less energy resources.

The project would be designed according to the most recent 2019 Title 24 or future, more stringent versions of Title 24 that are applicable as the project is built out. Part 6 of Title 24 specifically establishes energy efficiency standards for residential buildings constructed in the State of California to reduce energy demand and consumption.

The operation of the project would incorporate energy efficient measures as Project design features, as well as included within Project conditions of approval. These measures would include the following:

- Install high-efficiency Light Emitting Diode (LED) street and area lighting to achieve reduction in overall lighting energy
- The Project will not install hearth options in all 62 residential units
- The Project will be designed to use 100 percent electric energy for all Project operations; Natural Gas lines will not be installed onsite
- Weather-based irrigation systems in common areas would be installed that would include rain sensing timers
- The Project applicant will be required to comply with the County's Water Conservation in Landscaping Ordinance and submit a Landscape Document Package demonstrating a 40 percent reduction in outdoor water use
- Install low flow indoor water fixtures in all residential units to achieve a 20 percent reduction in flow
- Install a single Level 2 EV charging stations within each of the 62 residential unit garages
- Install two Level 2 EV Charging stations within the visitor parking area onsite
- The Project will install 3 kilowatts (kW) of photovoltaic (PV) solar for each residential unit for a total of 186 kW or 620 300-watt panels or an average of 10 PV panels per residential unit

Therefore, the construction and operation of the residential project is not expected to result in the wasteful or inefficient use of energy and the Project would result in a less than significant impact to energy resources with the incorporation of Project design features and required as Project conditions of approval.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less than Significant with Mitigation Incorporated | <input type="checkbox"/> No Impact |

Less than Significant Impact: The Project would include Project design features which would increase both construction and operational energy efficiency for the Project. These are discussed above in response IV(a) and outlined within the Global Climate Change analysis

prepared for the Project by Ldn Consulting, Inc. dated August 12th, 2020. Additionally, many of the regulations regarding energy efficiency are focused on increasing the energy efficiency of buildings and renewable energy generation, as well as reducing water consumption and VMT. As stated in response VI. (a), the proposed project is employing the use of various energy efficient and savings features, as well as roof top solar photovoltaics that meet and exceed the regulatory requirements. The proposed project would be consistent with several energy reduction policies of the County General Plan, including policies COS-14.1, COS-14.3, and COS-16.2. Additionally, the proposed project would be consistent with sustainable development and energy reduction policies such as policies COS-14.3 and COS-15.4, through compliance with the most recent Title 24 standards at the time of project construction. Therefore, the proposed project would implement energy reduction design features and comply with the most recent energy building standards consistent with applicable plans and policies. Therefore, impacts would be less than significant.

VII. GEOLOGY AND SOILS -- Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project is not located in a fault rupture hazard zone identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42, Revised 1997, Fault-Rupture Hazards Zones in California, or located within any other area with substantial evidence of a known fault. Therefore, there will be no impact from the exposure of people or structures to adverse effects from a known fault-rupture hazard zone as a result of this project.

- ii. Strong seismic ground shaking?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: To ensure the structural integrity of all buildings and structures, the project must conform to the Seismic Requirements as outlined within the California Building Code. The County Code requires a soils compaction report with proposed foundation

recommendations to be approved before the issuance of a building permit. Therefore, compliance with the California Building Code and the County Code ensures the project will not result in a potentially significant impact from the exposure of people or structures to potential adverse effects from strong seismic ground shaking.

iii. Seismic-related ground failure, including liquefaction?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: The project site is not within a "Potential Liquefaction Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. This indicates that the liquefaction potential at the site is low. Therefore, there will be no potentially significant impact from the exposure of people or structures to adverse effects from a known area susceptible to ground failure, including liquefaction. In addition, since liquefaction potential at the site is considered low, earthquake-induced lateral spreading is not considered to be a seismic hazard at the site and impacts would be less than significant.

iv. Landslides?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: The project site is within a "Landslide Susceptibility Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards and has as State Category of Generally Susceptible and a soil slip risk of low. Landslide Susceptibility Areas were developed based on landslide risk profiles included in the Multi-Jurisdictional Hazard Mitigation Plan, San Diego, CA (URS, 2004). Landslide risk areas from this plan were based on data including steep slopes (greater than 25%); soil series data (SANDAG based on USGS 1970s series); soil-slip susceptibility from USGS; and Landslide Hazard Zone Maps (limited to western portion of the County) developed by the California Department of Conservation, Division of Mines and Geology (DMG). Also included within Landslide Susceptibility Areas are gabbroic soils on slopes steeper than 15% in grade because these soils are slide prone. The site is relatively flat on the western majority of the project site to slightly sloped at the eastern edge. In addition, a soils compaction report with proposed foundation recommendation would be required to be approved before the issuance of a building permit. Therefore, the project would have a less than significant impact from the exposure of people or structures to potential adverse effects from landslides.

b) Result in substantial soil erosion or the loss of topsoil?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

According to the Soil Survey of San Diego County, the soils on-site are identified as alfisols and vertisols that have a soil erodibility rating of slight to severe as indicated by the Soil Survey for the San Diego Area, prepared by the US Department of Agriculture, Soil Conservation and Forest Service dated December 1973. However, the Project would not result in substantial soil erosion or the loss of topsoil for the following reasons:

- The project will not result in unprotected erodible soils; will not alter existing drainage patterns; is not located in a floodplain, wetland, or significant drainage feature; and will not develop steep slopes.
- The project has prepared a Storm Water Quality Management Plan dated July 8th 2020, prepared by Hunsaker & Associates San Diego Incorporated. The plan includes standard Best Management Practices to ensure sediment does not erode from the Project site.

Therefore, the Project would not result in substantial soil erosion and loss of topsoil, and impacts would be less than significant.

- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: The proposed project involves 15,000 cubic yards of grading that would result in the creation of areas of cut and areas underlain by fill. In order to assure that any proposed buildings (including those proposed on the project site) are adequately supported (whether on native soils, cut or fill), a Soils Engineering Report is required as part of the Building Permit process. This Report would evaluate the strength of underlying soils and make recommendations on the design of building foundation systems. The Soils Engineering Report must demonstrate that a proposed building meets the structural stability standards required by the California Building Code. The report must be approved by the County prior to the issuance of a Building Permit. With this standard requirement, impacts would be less than significant. For further information regarding landslides, liquefaction, and lateral spreading, refer to VI Geology and Soils, Question a., iii-iv listed above.

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: The Project is located on expansive soils as defined by 2016 California Building Code (CBC) Section 1803.5.3. However the project will not have any significant impacts because the project is required to comply the improvement requirements identified in the 1997 Uniform Building Code, Division III – Design Standard for Design of Slab-On-Ground Foundations to Resist the Effects of Expansive Soils and Compressible Soils, which ensure suitable structure safety in areas with expansive soils. Therefore, these soils will not create substantial risks to life or property.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The Project will rely on public water and sewer for the disposal of wastewater. Service availability letters have been received from the Buena Sanitation Maintenance District dated July 17th, 2019 and the Vista Irrigation District dated May 14th, 2019, indicating that the facility has adequate capacity for the Project's wastewater disposal needs. No septic tanks or alternative wastewater disposal systems are proposed.

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

San Diego County has a variety of geologic environments and geologic processes which generally occur in other parts of the state, country, and the world. However, some features stand out as being unique in one way or another within the boundaries of the County.

Less Than Significant With Mitigation Incorporated: The site does not contain any unique geologic features that have been listed in the County's Guidelines for Determining Significance for Unique Geology Resources nor does the site support any known geologic characteristics that have the potential to support unique geologic features.

A review of the County's Paleontological Resources Maps and data on San Diego County's geologic formations indicates that the project is located on geological formations that potentially contain unique paleontological resources. Excavating into undisturbed ground beneath the soil horizons may cause a significant impact if unique paleontological resources are encountered. Since an impact to paleontological resources does not typically occur until the resource is disturbed, monitoring during excavation is the essential measure to mitigate potentially significant impacts to unique paleontological resources to a level below significance.

The Project is in an area having high potential for containing unique paleontological resources and will excavate 2,500 cubic yards or more of undisturbed material below the soil horizons. To mitigate for potential project impacts to paleontological resources, the Project will be conditioned to require implementation of a mitigation program by a Qualified Paleontologist. A Qualified Paleontologist is a person who has, to the satisfaction of the Director of Planning & Development Services:

- A Ph.D. or M.S. or equivalent in paleontology or closely related field (e.g., sedimentary or stratigraphic geology, evolutionary biology, etc.);
- Demonstrated knowledge of southern California paleontology and geology; and
- Documented experience in professional paleontological procedures and techniques.

Impacts would be less than significant with the incorporation of mitigation. See below for the Project's mitigation measures:

PALEO#1 – PALEONTOLOGICAL MONITORING A Qualified Paleontologist will conduct or supervise the following mitigation tasks:

1. Monitoring of excavation operations (e.g., sheet grading pads, cutting slopes and roadways, basement and foundation excavations, and trenching) to discover unearthed fossil remains. The Paleontological Resources Monitor must have at least one year of experience in field identification and collection of fossil materials.
2. Salvaging of unearthed fossil remains, typically involving simple excavation of the exposed specimens, but possibly also plaster-jacketing of individual large and/or fragile specimens, or more elaborate quarry excavation of richly fossiliferous deposits.
3. Recording of stratigraphic, geologic and geographic data to provide a context for the recovered fossil remains, including:
 - a. accurate plotting (mapping) on grading plans and standard topographic maps of all fossil localities;
 - b. description of lithologies of fossil-bearing strata;
 - c. measurement and description of the overall stratigraphic section (unless considered by the project paleontologist to be infeasible); and
 - d. photographic documentation of the geologic setting.

4. Laboratory preparation (cleaning and repair) of collected fossil remains to the point of identification (not exhibition), generally involving removal of enclosing sedimentary rock material, stabilization of fragile specimens (using glues and other hardeners), and repair of broken specimens.
5. Curation of prepared fossil remains, typically involving scientific identification and cataloguing of specimens, and entry of data into one or more accredited institutional (museum or university) collection (specimen/species lot and/or locality) databases. Curation is necessary so that the specimens are available for scientific research.
6. Submittal of the collection for archival storage that will include cataloged fossil remains and copies of relevant field notes, maps, stratigraphic sections and photographs to an accredited institution (museum or university) in California that maintains paleontological collections, preferably:
 - a. San Diego Natural History Museum
 - b. Los Angeles County Museum
 - c. San Bernardino Museum of Natural History
 - d. University of California Museum of Paleontology, Berkeley
 - e. Anza-Borrego Desert State Park (if the fossils were salvaged in the desert).
7. Preparation of a final report summarizing the results of the field investigation, laboratory methods, stratigraphic information, types and importance of collected fossils, and any necessary graphics to document the stratigraphy and precise fossil collecting localities.

With the implementation of the above project requirements during project grading operations, potential impacts to paleontological resources will be less than significant. Furthermore, the Project will not result in a cumulative impact to paleontological resources because other projects that require grading in sensitive paleontological resource areas will be required to have the appropriate level of paleontological monitoring and resource recovery. In addition, other projects that propose any amount of significant grading would be subject to the requirements for paleontological monitoring as required pursuant to the County's Grading Ordinance. Therefore, the project would not result in a significant direct, indirect, or cumulatively significant loss of paleontological resources.

VIII. GREENHOUSE GAS EMISSIONS – Would the project

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

A Global Climate Change analysis was prepared for the Project by Ldn Consulting, Inc. dated August 12th, 2020. This analysis was prepared according to guidelines established within the California Global Warming Solutions Act of 2006 – Assembly Bill 32 (AB32), Senate Bill 97 (SB97), California Environmental Quality Act (CEQA) and SB32. Greenhouse Gases (GHGs) analyzed in this study are Carbon Dioxide (CO₂), Methane (CH₄), and Nitrous Oxide (N₂O). To simplify GHG calculations, both CH₄ and N₂O are converted to equivalent amounts of CO₂ and are identified as carbon dioxide equivalent (CO_{2e}).

Background on the County of San Diego Climate Action Plan (CAP) and Litigation:

In February 2018, the County's Board of Supervisors adopted a CAP that serves as a long term programmatic plan that identifies strategies and measures to meet the County's targets to reduce GHG emissions by 2020 and 2030, consistent with the State's legislative GHG reduction targets, and demonstrates progress towards the State's 2050 GHG reduction goal (County of San Diego, 2017).

In March 2018, several petitioners filed a lawsuit against the County. In December 2018, the San Diego County Superior Court issued a writ ordering the approval of the CAP and its SEIR to be set aside. In January 2019, the County appealed the San Diego County Superior Court's ruling, but the Fourth District Court of Appeal, Division One (Case No. D075478) upheld the trial Superior Court's ruling. Accordingly, there is no approved CAP in San Diego and the CAP cannot be used as a threshold of significance until such time as it is reapproved in compliance with CEQA.

Less than Significant Impact: The Project proposes 62 attached condominium units with garages and associated open space. The site is subject to the General Plan Village Regional Category, Village Residential (VR-2) Land Use Designation which would allow for a total of 9 units on the site. The Project would require a General Plan Amendment (GPA) to amend the General Plan Land Use Designation from VR-2 to Village Residential (VR-15), which would allow for a residential density of 15.0 dwelling units per acre(du/ac). Therefore, the density of the Project is above that of what was anticipated under the General Plan.

The Project was analyzed using a Project specific approach for consistency with SB 32, which establishes a 2030 target for the State of California to meet. SB 32 and AB 197 were enacted in 2016 and set a new statewide GHG reduction target, requiring CARB to ensure that statewide GHG emissions are reduced to 40 percent below 1990 levels by 2030.

The Project is for residential land uses only, and therefore a per capita methodology and threshold is appropriate pursuant to recommended efficiency metrics thresholds as a method for analyzing cumulative GHG emissions from CARB. Based on this approach, a Project-specific per capita efficiency threshold was developed for the Project based on the 2030 estimated emissions in the unincorporated County, reductions needed to demonstrate consistency with State targets in 2030, and the population growth by 2030 identified by the County. In order to achieve a County emission level based on the reductions needed per SB 32, the required per capita efficiency target in 2030 would be 3.5 MT CO_{2e} per person. Thus, the Project would be

considered to not generate significant GHGs if it is found to generate fewer than 3.5 MT CO_{2e} per person.

Under this Project Specific locally appropriate efficiency-based threshold, the Project would generate 393 MT CO_{2e} annually, with both annualized construction and annual operations GHG emissions. The proposed Project would have a projected population of 177 persons in 2030 which would yield a 2.2 MT CO_{2e} per person annual GHG generation (393 MT CO_{2e}/177 persons). Based on this, the proposed Project would generate fewer emissions than a County-specific localized efficiency metric of 3.5 MT CO_{2e} per person. Given this, the Project would generate a less than significant impact with the incorporation of Project design features listed below, as described in the Global Climate Change analysis and required as Project conditions of approval.

Project Design Features:

Project design features (PDFs) have been included in this Project. The applicant has agreed to implement all PDFs that will be included in the Project's Conditions of Approval. The following PDFs would reduce project emissions of GHGs, and, unless noted otherwise within the Global Climate Change Analysis, were quantified to identify reductions in GHG emissions through implementation

- Project-related construction equipment shall use Tier 4 construction equipment, as defined by United States Environmental Protection Agency (EPA) (EPA, 2018)/ California Air Resources Board (CARB) standards (CARB, 2012).
- The Project will utilize architectural coatings compliant with San Diego Air Pollution Control District (SDAPCD) Rule 67 (SDAPCD, 2015).
- The Project shall install high-efficiency Light Emitting Diode (LED) street and area lighting to achieve reduction in overall lighting energy.
- The Project will not install wood burning or natural gas burning hearth options in all 62 residential units.
- The Project will be designed to use 100 percent electric energy for all Project operations. Natural gas lines will not be installed onsite.
- In accordance with the California Integrated Waste Management Act (AB 939), and to be consistent with AB 341's statewide 75 percent diversion policy, the Project will seek to also achieve a 75 percent diversion goal by providing areas onsite for storage and collection of recyclables and green waste which would be collected and processed offsite ensuring that both recyclables and organics such as green waste can be substantially diverted from landfills. As part of the homeowner disclosure forms, the Project would also provide literature promoting recycling and green waste management to achieve waste diversion.
- The Project shall install weather-based irrigation systems in common areas would be installed that would include rain sensing timers. This PDF was not quantified within this analysis but would reduce GHG emissions associated with water consumption.
- The Project applicant will be required to comply with the County's Water Conservation in Landscaping Ordinance and submit a Landscape Document Package demonstrating a 40 percent reduction in outdoor water use.
- The Project shall install low flow indoor water fixtures in all residential units to achieve a 20 percent reduction in flow.

- The Project will plant 124 trees within the project site.
- The Project shall install a single Level 2 electric vehicle (EV) charging stations within each of the 62 residential unit garages. This PDF was not quantified within this analysis but would reduce GHG emissions associated with mobile sources.
- The Project shall install two Level 2 EV Charging stations within the visitor parking area onsite.
- The Project will install 3 kilowatts (kW) of photovoltaic (PV) solar for each residential unit for a total of 186 kW or 620 300-watt panels or an average of 10 PV panels per residential unit.

It should be noted that an individual project's GHG emissions will generally not result in direct impacts under CEQA, as the climate change issue is global in nature, however an individual project could be found to contribute to a potentially significant cumulative impact. CEQA Guidelines Section 15130(f) requires a project to analyze greenhouse gas emissions resulting from a proposed project when the incremental contribution of those emissions may be cumulatively considerable.

- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

In 2006, the State passed the Global Warming Solutions Act of 2006, commonly referred to as AB 32, which set the greenhouse gas emissions reduction goal for the State of California into law. Under AB 32, the California Air Resources Board (CARB) is responsible for and recognized as having the expertise to carry out and develop the programs and regulations necessary to achieve the GHG emissions reduction mandate of AB 32. Further details regarding CARB's Climate Change Scoping Plan can be found within the Global Climate Change analysis prepared for the Project referenced in Section XXII.

In 2017, CARB released California's 2017 Climate Change Scoping Plan, which proposes CARB's strategy for achieving the state's 2030 GHG target as established in SB 32. The strategy includes continuing the Cap-and-Trade Program through 2030, inclusive policies and broad support for clean technologies, enhanced industrial efficiency and competitiveness, prioritization of transportation sustainability, continued leadership on clean energy, putting waste resources to beneficial use, supporting resilient agricultural and rural economics and natural and working lands, securing California's water supplies, and cleaning the air and public health.

Senate Bill 375 (SB 375), passed in 2008, addresses GHG emissions associated with the transportation sector through regional transportation and sustainability plans. It requires CARB to set regional targets for the purpose of reducing greenhouse gas emissions from passenger vehicles. Under this law, if regions develop integrated land use, housing and transportation plans that meet SB 375 targets, new projects in these regions can be relieved of certain review

requirements under CEQA. SANDAG has prepared a Sustainable Communities Strategy (SCS) which is a new element of the 2050 Regional Transportation Plan (RTP). The strategy identifies how regional greenhouse gas reduction targets, as established by CARB, will be achieved through development patterns, transportation infrastructure investments, and/or transportation measures or policies that are determined to be feasible.

The County's General Plan Update (approved in 2011) provides smart growth and land use planning principles designed to reduce GHG emissions. GHG reduction policies are addressed within multiple elements of the General Plan Update. The strategies for reduction of GHG emissions in the General Plan Update include reducing vehicle miles traveled (VMT), energy consumption, water consumption and solid waste. The General Plan Update also discusses the increased generation and use of renewable energy sources to reduce non-renewable electrical and natural gas energy consumption.

Less than Significant Impact: The Project seeks to increase density within a County island surrounded by both the City of San Marcos and the City of Vista. This increased density places County residents closer to amenities, services and jobs which ultimately reduce vehicular miles traveled by any potential County residents within this Project area.

The transportation sector accounts for more than half of California's CO₂ emissions. SB 375 (2008) addresses GHG emissions associated with the transportation sector through regional transportation and sustainability plans. SB 375 required CARB to adopt regional GHG reductions and required SANDAG to prepare a Sustainable Communities Strategy (SCS) within their Regional Transportation Plan (RTP). The goal of the SCS is to establish a forecasted development pattern for the region that, after considering transportation measures and policies, will achieve, if feasible and if implemented, the GHG reduction targets. If an SCS is unable to achieve the GHG reduction target, SANDAG must prepare an Alternative Planning Strategy demonstrating how the GHG reduction target would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. In 2018, CARB updated the SB 375 targets. For purposes of SANDAG, the updated targets include a 15 percent reduction in emissions per capita by 2020 and a 19 percent reduction by 2035.

A 15% per capita reduction in regional vehicle miles traveled (VMT) has been recognized in OPRs Technical Advisory for analyzing traffic impacts by VMT as threshold that is consistent with an SCS. The County's VMT thresholds were adopted to be consistent with the RTP and SB 375 to incentivize development to be located within VMT-efficient areas and help the state achieve its GHG emission targets. As discussed in the Project's Transportation analysis, the Project is located in a VMT efficient area of the County, with a VMT efficiency rate more than 15% lower than the unincorporated County's average VMT per capita. Therefore, the Project's location and design provides a VMT per capita reduction consistent with the OPR Technical Advisory and the RTP/SCS.

Additionally, a Global Climate Change analysis was prepared for the Project which analyzed consistency of the Project with the County's General Plan. The project was found to be consistent with the goals, policies, and objectives related to the reduction of GHG emissions and global climate change. For a detailed discussion of this analysis, refer to Table 5.3 of the Global Climate Change analysis referenced in Section XXII. . The Project would not conflict with any

applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions, and therefore the Project would have less than significant impact with the incorporation of Project design features as described in the Global Climate Change analysis and required as Project conditions of approval.

IX. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

The following analysis within this section is based on a Phase I Environmental Site Assessment (ESA) report, submitted by EEI dated June 22nd, 2018.

- a) Create a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: The Project will not create a significant hazard to the public or the environment because it does not propose the storage, use, transport, emission, or disposal of Hazardous Substances, nor are Hazardous Substances proposed or currently in use in the immediate vicinity.

However, the Project proposes to demolish a structure on site that was constructed prior to 1980 and that may contain Lead Based Paint (LBP) and Asbestos Containing Materials (ACMs). Lead is a highly toxic metal that was used up until 1978 in paint used on walls, woodwork, siding, windows and doors. Lead containing materials shall be managed by applicable regulations including, at a minimum, the hazardous waste disposal requirements (Title 22 CCR Division 4.5, the worker health and safety requirements (Title 8 CCR Section 1532.1) and the State Lead Accreditation, Certification, and Work Practice Requirements (Title 17 CCR Division 1, Chapter 8). Asbestos was used extensively from the 1940's until the late 1970's in the construction industry for fireproofing, thermal and acoustic insulation, condensation control, and decoration. The USEPA has determined that there is no "safe" exposure level to asbestos. It is therefore highly regulated by the USEPA, CalEPA, and the CalOSHA. Demolition or renovation operations that involve asbestos-containing materials must conform to San Diego Air Pollution Control District (SDAPCD) Rules 361.140-361.156. In accordance with existing regulations, the Project will be required to complete asbestos and lead surveys to determine the presence or absence of ACMs or LBP prior to issuance of a building permit that includes demolition of onsite structures and prior to commencement of demolition.

Additionally, the site has been formerly used for agricultural operations and residential uses. Investigations conducted by EEI in 2018 concluded that all detectable concentrations of chemicals of concern (COCs) in soil were below their respective USEPA Regional Screening

Level (RSL) or DTSC-Screening Levels (SLs) for a residential land use scenario. EEI also performed a Vapor Encroachment Screen (VES) for the subject property, in accordance with ASTM E2600-15 which found no presence on the Project site that store or dispose of potential chemicals of concern or have documented releases, may migrate as vapors onto the property, as a result of contaminated soil and/or groundwater which may be present on or near the property. Therefore, the Project would have a less than significant effect from release of hazardous materials.

- b) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

Discussion/Explanation:

No Impact: Although the Project is located within one-quarter mile of an existing school, the project does not propose the handling, storage, or transport of hazardous materials. Therefore, the Project will not have any effect on an existing or proposed school.

- c) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, or is otherwise known to have been subject to a release of hazardous substances and, as a result, would it create a significant hazard to the public or the environment?

<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input checked="" type="checkbox"/> No Impact

Discussion/Explanation:

No Impact: Based on a comprehensive review of regulatory databases, the Project site has not been subject to a release of hazardous substances. Additionally, the Project does not propose structures for human occupancy or significant linear excavation within 1,000 feet of an open, abandoned, or closed landfill, is not located on or within 250 feet of the boundary of a parcel identified as containing burn ash (from the historic burning of trash), and is not on or within 1,000 feet of a Formerly Used Defense Site. Therefore, the project would not create a significant hazard to the public or the environment associated with the release of hazardous substances.

- d) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
---	--

- ☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

Less than Significant Impact: The Project is not located within an Airport Land Use Compatibility Plan (ALUCP) or Federal Aviation Administration Height Notification Surface. Also, the project does not propose construction of any structure equal to or greater than 150 feet in height, constituting a safety hazard to aircraft and/or operations from an airport or heliport. The project site is within Airport Influence Area 2 for the McClellan-Palomar Airport and will be required to file an FAA notification during building permit processing to assure navigation signal reception.

- e) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

- ☐ Potentially Significant Impact ☒ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

The following sections summarize the project's consistency with applicable emergency response plans or emergency evacuation plans.

- i. OPERATIONAL AREA EMERGENCY PLAN AND MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN:

Less Than Significant Impact: The Operational Area Emergency Plan is a comprehensive emergency plan that defines responsibilities, establishes an emergency organization, defines lines of communications, and is designed to be part of the statewide Standardized Emergency Management System. The Operational Area Emergency Plan provides guidance for emergency planning and requires subsequent plans to be established by each jurisdiction that has responsibilities in a disaster situation. The Multi-Jurisdictional Hazard Mitigation Plan includes an overview of the risk assessment process, identifies hazards present in the jurisdiction, hazard profiles, and vulnerability assessments. The plan also identifies goals, objectives and actions for each jurisdiction in the County of San Diego, including all cities and the County unincorporated areas. The project will not interfere with this plan because it will not prohibit subsequent plans from being established or prevent the goals and objectives of existing plans from being carried out.

- ii. SAN DIEGO COUNTY NUCLEAR POWER STATION EMERGENCY RESPONSE PLAN

No Impact: The San Diego County Nuclear Power Station Emergency Response Plan will not be interfered with by the project due to the location of the project, plant and the specific requirements of the plan. The emergency plan for the San Onofre Nuclear Generating Station includes an emergency

planning zone within a 10-mile radius. All land area within 10 miles of the plant is not within the jurisdiction of the unincorporated County and as such a project in the unincorporated area is not expected to interfere with any response or evacuation.

iii. OIL SPILL CONTINGENCY ELEMENT

No Impact: The Oil Spill Contingency Element will not be interfered with because the project is not located along the coastal zone or coastline.

iv. EMERGENCY WATER CONTINGENCIES ANNEX AND ENERGY SHORTAGE RESPONSE PLAN

No Impact: The Emergency Water Contingencies Annex and Energy Shortage Response Plan will not be interfered with because the project does not propose altering major water or energy supply infrastructure, such as the California Aqueduct.

v. DAM EVACUATION PLAN

No Impact: The Dam Evacuation Plan will not be interfered with because the project is not located within a dam inundation zone.

f) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: The Project is located within a County identified Wildland Urban Interface (WUI) zone. A WUI is defined as an area where development is in proximity to open space or lands with native vegetation and habitat that are prone to brush fires. Most of the unincorporated County is within the WUI. In addition, CAL FIRE has mapped areas of significant fire hazards throughout the state and classifies lands different Fire Hazard Severity Zones (FHSZ) based upon fuels, terrain, weather, and other relevant factors. The FHSZ are divided into three levels of fire hazard severity: Moderate, High and Very High. The majority of the County is in the High and Very High FHSZ. However, the Project site is located within the Urban Unzoned FHSZ.

The Project site is surrounded by residential land uses and is within 0.1 miles of SR-78. A Fire Service Availability Letter dated May 1st, 2019 has been received from the Vista Fire Protection District (VFPD). The Fire Service Availability Letter indicated the site location is 1.6 miles from the VFPD station. The expected emergency travel time to the Project site would meet the maximum travel time allowed pursuant to the Safety Element of five (5) minutes.

Also, the Project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires because the project will comply with the regulations relating to emergency access, water supply, and defensible space specified in the Consolidated Fire Code for the 16 Fire Protection Districts in San Diego County. Implementation of these fire safety standards will occur during the Tentative Map, Tentative Parcel Map, or building permit process. Therefore, based on the location of the Project and review of the Project by County staff, through compliance with the Consolidated Fire Code and through compliance with the VFPD conditions, the Project is not anticipated to expose people or structures to a significant risk of loss, injury or death involving hazardous wildland fires. Moreover, the Project will not contribute to a cumulatively considerable impact, because all past, present and future projects in the surrounding area are required to comply with the Consolidated Fire Code.

- g) Propose a use, or place residents adjacent to an existing or reasonably foreseeable use that would substantially increase current or future resident's exposure to vectors, including mosquitoes, rats or flies, which are capable of transmitting significant public health diseases or nuisances?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The Project does not involve or support uses that allow water to stand for a period of 72 hours (3 days) or more (e.g. artificial lakes, agricultural irrigation ponds). Also, the Project does not involve or support uses that will produce or collect animal waste, such as equestrian facilities, agricultural operations (chicken coops, dairies etc.), solid waste facility or other similar uses. Moreover, there are none of these uses on adjacent properties. Therefore, the Project will not substantially increase current or future resident's exposure to vectors, including mosquitoes, rats or flies.

X. HYDROLOGY AND WATER QUALITY -- Would the project:

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: The Project proposes development of a 62-unit residential condominium complex on a 4.9-acre site. Development projects have the potential to generate pollutants during both the construction and post-construction phases. In order for the Project to avoid potential violations of any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality, storm water management plans are prepared for both phases of the development project.

During the construction phase, the Project would prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP would implement the following standard erosion control BMPs: hydraulic stabilization and hydroseeding on disturbed slopes; County Standard lot perimeter protection detail and County Standard desilting basin for erosion control on disturbed flat areas; energy dissipater outlet protection for water velocity control; silt fencing, fiber rolls, gravel and sand bags, storm drain inlet protection and engineered desilting basin for sediment control; stabilized construction entrance, street sweeping and vacuuming for offsite tracking of sediment; and measures to control materials management and waste management. The SWPPP will be prepared in accordance with Order No. 2009-009-DWQ, National Pollutant Discharge Elimination System (NPDES) Order CAS000002 Construction General Permit (CGP) adopted by the State Water Resources Control Board (SWRCB) on September 9, 2009.

During the post-construction phase, as outlined in the Priority Development Project (PDP) Storm Water Quality Management Plan (SWQMP) dated July 8th, prepared by Hunsaker & Associates, the Project would implement site design, source control and structural BMPs to prevent potential pollutants from entering storm water runoff. The SWQMP has been prepared in accordance with the County of San Diego BMP Design Manual (2019) and SDRWQCB Order No. R9-2013-0001 Municipal Separate Storm Sewer System (MS4) permit (2013), as adopted by the RWQCB on May 8, 2013.

The Project's conformance to the waste discharge requirements of both the CGP and MS4 storm water permits listed above ensures the project will not create cumulatively considerable water quality impacts and addresses human health and water quality concerns. Therefore, the Project will not contribute to a cumulatively considerable impact to water quality from waste discharges.

- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less than Significant with Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The Project will obtain its water supply from the Vista Irrigation District that obtains water from surface reservoirs or other imported water source. The Project will not use any groundwater for any purpose, including irrigation, domestic, or commercial demands. In addition, the project does not involve operations that would interfere substantially with groundwater recharge including, but not limited to, the following: the project does not involve regional diversion of water to another groundwater basin; or diversion or channelization of a stream course or waterway with impervious layers, such as concrete lining or culverts, for substantial distances (e.g. ¼ mile). These activities and operations can substantially affect rates of groundwater recharge. Therefore, no impact to groundwater resources is anticipated.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- (i) Result in substantial erosion or siltation on- or off-site

Less than Significant Impact: The project will not result in substantial erosion or siltation on or off-site because storm water management plans are prepared for both the construction and post-construction phases of the development project. During the construction phase, the project will prepare and implement a SWPPP. The SWPPP will implement the following standard erosion control BMPs: hydraulic stabilization hydroseeding on disturbed slopes; County Standard lot perimeter protection detail and County Standard desilting basin for erosion control on disturbed flat areas; energy dissipater outlet protection for water velocity control; silt fencing, fiber rolls, gravel and sand bags, storm drain inlet protection and engineered desilting basin for sediment control; stabilized construction entrance, street sweeping and vacuuming for offsite tracking of sediment; and measures to control materials management and waste management. The SWPPP will be prepared in accordance with Order No. 2009-009-DWQ, NPDES Order CAS000002 CGP adopted by the SWRCB on September 9, 2009. During the post-construction phase, as outlined in the Priority Development Project (PDP) Storm Water Quality Management Plan (SWQMP) dated July 8th, 2020 prepared by Hunsaker & Associates, the project would implement site design, source control and structural BMPs to prevent potential pollutants from entering storm water runoff. The SWQMP has been prepared in accordance with the County of San Diego BMP Design Manual (2019) and SDRWQCB Order No. R9-2013-0001 Municipal Separate Storm Sewer System (MS4) permit (2013), as adopted by the RWQCB on May 8, 2013.

The SWPPP and SWQMP specify and describe the implementation process of all BMPs that will address equipment operation and materials management, prevent the erosion process from occurring, and prevent sedimentation in any onsite and downstream receiving waters. The Department of Public Works will ensure that these Plans are implemented as proposed. Therefore, it has been determined that the project will not result in significantly increased erosion or sedimentation potential and will not alter any drainage patterns of the site or area on- or off-site. In addition, because erosion and sedimentation will be controlled within the boundaries of the project, the project will not contribute to a cumulatively considerable impact.

- (ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite

Less than Significant Impact: The Drainage Study prepared by Hunsaker & Associates, July 7th, 2020 in accordance with the County of San Diego Hydrology Manual (2003) and Hydraulic Design Manual (2014), determined that the proposed project would not alter the existing drainage pattern in a manner which would result in flooding on- or off-site. The project proposes minor changes to topography. However, the general drainage pattern relative to the existing condition will be maintained. All runoff will be directed towards the proposed water quality basin on the western edge of the project site. The water quality basin would treat onsite runoff, attenuate peak flows and aid in addressing flow control hydromodification. The infrastructure will include streets and associated utilities including a storm drain system (pipes, inlets, cleanouts)

necessary to collect and convey site runoff through the project area. Additionally, the site will not place housing within a 100-year flood hazard area.

- (iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff

Less than Significant Impact: The SWQMP dated July 8th, 2020, as well as the Drainage Study dated July 7th, 2020, both prepared by Hunsaker & Associates, determined that runoff water would not exceed the capacity of existing or planned stormwater drainage systems. Inlets will be placed throughout the site and will be sized to collect peak flow runoff conveyed towards the water quality basin located at the west end of the project site. Off-site runoff from the south end of the project site would be collected by a proposed brow ditch and directed to the site's discharge point at the western site boundary. The basin provides the added benefit of water quality treatment, flow control measures, and peak flow attenuation. These benefits will provide improvements over the existing condition relative to erosion potential at the existing downstream discharge point. Additionally, see response C(i) for a list of site design measures, source control BMPs and/or treatment control BMPs proposed to reduce potential pollutants to the maximum extent practicable from entering storm water runoff.

- (iv) Impede or redirect flood flows?

Less Than Significant Impact: As described in response C(ii), the Drainage Study determined that the Project would not alter the existing drainage pattern in a manner which would result in flooding on- or off-site. All runoff will be directed towards the proposed water quality basin located at the western end of the site. Inlets will be placed throughout the site and will be sized to collect peak flow runoff conveyed towards the aforementioned water quality basin.

- d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Discussion/Explanation:

i. FLOOD HAZARD

No Impact: No FEMA mapped floodplains, County-mapped floodplains or drainages with a watershed greater than 25 acres were identified on the Project site or off-site improvement locations; therefore, no impact will occur.

ii. TSUNAMI

No Impact: The Project site is located more than a mile from the coast; therefore, in the event of a tsunami, would not be inundated.

iii. SEICHE

No Impact: The Project site is not located along the shoreline of a lake or reservoir; therefore, could not be inundated by a seiche.

- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Discussion/Explanation:

As described in response a, the Project would implement a combination of site design, source control and structural BMPs to prevent potential pollutants from entering storm water runoff. This includes water quality basin located at the west end of the site which would treat on-site runoff. In addition, the proposed BMPs are consistent with regional surface water, storm water and groundwater planning and permitting process that has been established to improve the overall water quality in County watersheds. Moreover, the Project will obtain its water supply from the Vista Irrigation District that obtains water from surface reservoirs or other imported water source and would therefore not impact a sustainable groundwater management plan. As a result, the Project would not contribute to a cumulatively considerable impact to obstruction to implementation of a water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING -- Would the project:

- a) Physically divide an established community?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project does not propose the introduction of new infrastructure such as major roadways or water supply systems, or utilities to the area. The project will add 62 residential units to an existing residential site. The proposed Project of residential units is consistent with the surrounding residential areas to the northeast, south, west and northwest and the project would provide for a seamless residential addition within the area. Therefore, the proposed project will not significantly disrupt or divide an established community.

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: The proposed project requires a General Plan Amendment (GPA) and a Rezone. A Land Use and Community Character Analysis prepared by Rincon Consultants, Inc., dated October 2019 has been accepted for the project. The analysis found that the proposed project would not conflict with any applicable goals, policies, and objectives of the General Plan or North County Metropolitan Subregional Plan. Additionally, the analysis concluded that the project is consistent with other applicable plans and regulations, such as the County of San Diego Multiple Species Conservation Program, and the McClellan-Palomar Airport Land Use Compatibility Plan.

A GPA is required to change the current General Plan Designation from Village Residential (VR-2) to a Village Residential (VR-15) designator.. A zone change from Rural Residential (RR) to Multi-Family Residential (RM) is also required for consistency with the General Plan. The Regional Category of Village applies to the property: no change to the Regional Category is proposed with the project. The Project differs slightly with respect to the existing allowed land use types and allowed density, but is generally considered to be consistent, if not complimentary, with applicable goals, policies, and objectives contained within the General Plan, including but not limited to, the following elements pertaining to land use and/or density:

- Land Use Element LU-1.3: "...designate land use patterns to enhance communities and preserve surrounding rural lands".
 - The area surrounding the project contains a number of higher-density residential land uses within the municipal boundaries of the City of Vista and the City of San Marcos. The proposed project is an infill development and is consistent with the existing residential community. Additionally, the proposed Project is located within the "Village" regional category which is not proposed to change.
- Land Use Element LU-1.7 Maximum Residential Densities. Determine the maximum number of dwelling units permitted within the boundaries of any subdivision or single lot based on the applicable land use designation(s). When the total number of dwelling units is less than one, this shall be interpreted as permitting one dwelling unit. When more than one dwelling unit is permitted, fractional dwelling units are rounded down to the nearest whole number of dwelling units.
 - The project proposes a General Plan amendment to change the existing land use designation from Village Residential (VR-2) to Village Residential (VR-15), which allows for a residential density of 15 dwelling units per acre (du/ac). The Project proposes a maximum of 62 dwelling units on the 4.9-acre property, for an overall density of 13.3 du/ac, consistent with the proposed VR-15 land use designation.
- Land Use Element LU 2.3 is about development densities and lot sizes: "Assign densities and minimum lot sizes in a manner that is compatible with the character of each unincorporated community".
 - The project site is adjacent to the municipal boundary of the City of San Marcos to the east and northeast which contains a variety of land use designations ranging from Very Low Density Residential to Medium Residential and supports single family, low residential, and multi-family zones. Surrounding the Project site to the south, north, and west within the unincorporated county are Village Residential (VR-2) lands. Additionally, high density residential land uses, including multi-family apartments and mobile home parks are located approximately 800 feet to the northeast of the project site. The proposed density for the Project site of Village

Residential 15 (15 units per gross acre) is compatible with the surrounding residential character.

- Land Use Element LU-2.4 Relationship of Land Uses to Community Character. Ensure that the land uses and densities within any Regional Category or Land Use Designation depicted on the Land Use Map reflect the unique issues, character, and development objectives for a community Plan area, in addition to the General Plan Guiding Principles.
 - The proposed residential use of the Project site does not conflict with such existing uses. A variety of residential development is present in the surrounding area including multi-family residential use (apartments) to the northeast across Smilax Road, and single-family residential use to the north and south. To the west, Poinsettia Avenue separates the site from the Joli Ann Leichtag Elementary School and additional single family residential land uses. Proposed landscaping along Smilax Road and Poinsettia Avenue act as buffers to the project to minimize views of the project site. In addition, operational aspects of the Project would be compatible with the surrounding community character. Operation of the Project would not result in activities that would disrupt adjacent land uses. Operation of the proposed residential uses would be typical of similar residential uses found within the surrounding and adjacent areas. No significant increases in traffic along community roadways are anticipated to occur with development of the proposed residential uses, and substantial new sources of noise that may affect offsite land uses would not result.
- Land Use Element LU-6.2 Reducing Development Pressures. Assign lowest-density or lowest-intensity land use designations to areas with sensitive natural resources.
 - To meet the high housing demand in the County of San Diego, higher-density infill development, such as the proposed project, can curb the pressure placed on developing more rural or natural areas within the County and reduce the impact of edge effects. The proposed Project is an infill project with minimal natural resources on site and has a "Village" Regional Category designation.
- Land Use Element LU-9.8 Village Connectivity and Compatibility with Adjoining Areas. Require new development within villages to include road networks, pedestrian routes, and amenities that create or maintain connectivity; and site, building and landscape design that is compatible with surrounding areas."
 - The project proposes the development of a recreation area, an internal walkway system, landscaping, parking areas, and infrastructure improvements. With development of the project, this would allow for a contribution of new recreational amenities with adequate parking and improved pedestrian mobility and connectivity within the community.

For the above stated reasons, the project would not cause a significant environmental impact due to a conflict with any applicable land use plan, policy or regulation adopted for the purposes of avoiding or mitigating an environmental effect. The impacts would be less than significant.

XII. MINERAL RESOURCES -- Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: The project site has been classified by the California Department of Conservation – Division of Mines and Geology (Update of Mineral Land Classification: Aggregate Materials in the Western San Diego Production-Consumption Region, 1997) as an area of “Potential Mineral Resource Significance” (MRZ-3). However, the project site is surrounded by densely developed land uses including residential and civic land uses which are incompatible to future extraction of mineral resources on the project site. A future mining operation at the project site would likely create a significant impact to neighboring properties for issues such as noise, air quality, traffic, and possibly other impacts. Therefore, implementation of the project will not result in the loss of availability of a known mineral resource that would be of value since the mineral resource has already been lost due to incompatible land uses.

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project site is not located in an area that has MRZ-2 designated lands or is located within 1,300 feet of such lands. Therefore, the proposed project would not result in the loss of availability of locally important mineral resource(s). Therefore, no potentially significant loss of availability of a known mineral resource of locally important mineral resource recovery (extraction) site delineated on a local general plan, specific plan or other land use plan will occur as a result of this project.

XIII. NOISE -- Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant: The project is a residential townhome subdivision and will be occupied by residents. Based on the Noise Analysis prepared by Lnd Consulting, Inc. and dated January 9, 2020, the surrounding area supports residential and civil uses, which are occupied by residents and students. The project will not expose people to potentially significant noise levels that exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance, and other applicable standards for the following reasons:

General Plan – Noise Element

The County of San Diego General Plan, Noise Element, Policy 4b addresses noise sensitive areas and requires an acoustical study to be prepared for any use that may expose noise sensitive area to noise in excess of a Community Noise Equivalent Level (CNEL) of 60 decibels (dBA). Moreover, if the project is excess of CNEL 65 dB(A) for exterior use area for a multi-family use development, modifications must be made to project to reduce noise levels. Noise sensitive areas include residences, hospitals, schools, libraries or similar facilities where quiet is an important attribute. Based on a Noise Analysis prepared by Lnd Consulting, Inc. and dated January 9, 2020, project implementation may expose existing or planned noise sensitive areas to road, airport, heliport, railroad, industrial or other noise in excess of the CNEL 65 dB(A). However, with the implementation of the six-foot solid sound wall as a Project Design Feature along the perimeter of the project site as show in Figure 2-B of the accepted noise report, the on-site exterior noise levels would be reduced to less than significance. In addition, the interior noise levels for the for the proposed second floor are expected to exceed the noise standard of 45 dB CNEL. A noise protection easement will apply to the entire site, which will reduce the interior noise levels to less than significance.

Furthermore, the project would not result in any direct or cumulative noise impacts to the existing roadways. The County's Noise Guidelines for Determining Significance states that a direct impact would occur if the project implementation would result in a 3 dBA CNEL increase on any existing roadways. Based on the noise report, the project implementation would add less than 3 dBA CNEL to nearby roadways.

Therefore, the project will not expose people to potentially significant noise levels that exceed the allowable limits of the County of San Diego General Plan, Noise Element with the incorporation of these two Project Design Features.

Noise Ordinance – Section 36.404

Based on a Noise Analysis prepared by Lnd Consulting, Inc. and dated January 10, 2020 non-transportation noise generated by the project is not expected to exceed the standards of the County of San Diego Noise Ordinance (Section 36.404) at or beyond the project's property line. The main source of noise from this project is from the Heating Ventilating Air Conditioning Units. 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 San Marcos and constitute a residential use, therefore would also be subject to the 50 dBA and 45 dBA thresholds. Based on the noise modeling in the report, the noise levels from the HVAC would not exceed 45 dBA. Noise attenuation for those units are obtained from the distance separation and the six-foot high solid walls.

Noise Ordinance – Section 36.409

Based on a Noise Analysis prepared by Lnd Consulting, Inc. and dated January 10, 2020, the project will not generate construction noise that may exceed the standards of the County of San Diego Noise Ordinance (Section 36.409). Construction operations will occur only during permitted hours of operation pursuant to Section 36.409. Also, it is not anticipated that the project will operate construction equipment in excess of an average sound level of 75dB between the hours of 7 AM and 7 PM.

Finally, the project's conformance to the County of San Diego General Plan (Noise Element, Policy 4b and County of San Diego Noise Ordinance (Section 36.404 and 36.409) ensures the project will not create cumulatively considerable noise impacts, because the project will not exceed the local noise standards for noise sensitive areas; and the project will not exceed the applicable noise level limits at the property line or construction noise limits, derived from State regulation to address human health and quality of life concerns. Therefore, the project will not contribute to a cumulatively considerable exposure of persons or generation of noise levels in excess of standards established in the local general plan, noise ordinance, and applicable standards of other agencies.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact:

The project proposes residences where low ambient vibration is essential for interior operation and/or sleeping conditions. However, the buildings are located at a setback more than 50 feet from any County Circulation Element (CE) roadway using rubber-tired vehicles with projected groundborne noise or vibration contours; any property line for parcels zoned industrial or extractive use; or any permitted extractive uses. A setback of 50 feet from the roadway centerline for heavy-duty truck activities would insure that these proposed uses or operations do not have any chance of being impacted significantly by groundborne vibration or groundborne noise levels (Harris, Miller Miller and Hanson Inc., *Transit Noise and Vibration Impact Assessment* 1995, Rudy Hendriks, *Transportation Related Earthborne Vibrations* 2002). This setback ensures that this project site will not be affected by any future projects that may support sources of groundborne vibration or groundborne noise related to the adjacent roadways. In addition, vibration noise would be attenuated by the proposed six-foot solid wall along the perimeter of the project site.

Also, the project does not propose any major, new or expanded infrastructure such as mass transit, highways or major roadways or intensive extractive industry that could generate excessive groundborne vibration or groundborne noise levels and impact vibration sensitive uses in the surrounding area.

Therefore, the project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels on a project or cumulative level.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact:

The project involves the following permanent noise sources that may increase the ambient noise level: Heating Ventilating Air Conditioning Unit (HVAC) and project traffic generation. As indicated in the response listed under Section XI Noise, Question a., the project would not expose existing or planned noise sensitive areas in the vicinity to a substantial permanent increase in noise levels that exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control. Also, the project is not expected to expose existing or planned noise sensitive areas to noise 10 dB CNEL over existing ambient noise levels based the Noise Analysis prepared by Lnd Consulting, Inc. dated January 10, 2020. The project will increase the ambient noise level by 2.7 to 2.8 dB CNEL on the impacted roadways. Studies completed by the Organization of Industry Standards (ISO 362; ISO 1996 1-3; ISO 3095; and ISO 3740-3747) state an increase of 10 dB is perceived as twice as loud and is perceived as a significant increase in the ambient noise level.

The project will not result in cumulatively noise impacts because a list of past, present and future projects within in the vicinity were evaluated. It was determined that the project in combination with a list of past, present and future project would not expose existing or planned noise sensitive areas to noise 10 dB CNEL over existing ambient noise levels. Refer to XVII. Mandatory Findings of Significance for a comprehensive list of the projects considered.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: The project does not involve any uses that may create substantial temporary or periodic increases in ambient noise levels in the project vicinity including but not limited to extractive industry; outdoor commercial or industrial uses that involve crushing, cutting, drilling, grinding, or blasting of raw materials; truck depots, transfer stations or delivery areas; or outdoor sound systems.

Also, general construction noise is not expected to exceed the construction noise limits of the County of San Diego Noise Ordinance (Section 36.409), which are derived from State regulations to address human health and quality of life concerns. Construction operations will occur only during permitted hours of operation pursuant to Section 36.409. Also, it is not anticipated that the project will operate construction equipment in excess of 75 dB for more than an 8 hours during a 24-hour period. Therefore, the project would not result in a substantial temporary or periodic increase in existing ambient noise levels in the project vicinity.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The proposed project is not located within a Comprehensive Land Use Plan (CLUP) for airports or within 2 miles of a public airport or public use airport. The nearest airport is the Palomar Airport, which is located at approximately 3.8 miles from the project site. Therefore, the project will not expose people residing or working in the project area to excessive airport-related noise levels.

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The proposed project is not located within a one-mile vicinity of a private airstrip. The nearest airport is the Palomar Airport, which is located at approximately 3.8 miles from the project site. Therefore, the project will not expose people residing or working in the project area to excessive airport-related noise levels.

XIV. POPULATION AND HOUSING -- Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
|---|---|

- ☐ Less Than Significant With Mitigation Incorporated ☒ No Impact

Discussion/Explanation:

Less than Significant Impact: The project proposes 62 residential condominiums on 4.9 acres of land requiring a General Plan Amendment and Zone Reclassification. However, this physical and regulatory change will not induce substantial population growth in the area as the project is consistent with the Community Development Model, which directs growth and higher intensity land uses to Village areas, consistent with the existing General Plan Regional Category for the project site. Additionally, no improvement to sewer or water is proposed as part of the Project. The project is proposing infill development, not requiring further expansion into the County's natural and rural areas. Moreover, the regulatory change does not increase density or intensity of land use that is inconsistent with the General Plan.

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

- ☐ Potentially Significant Impact ☒ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

Less than Significant Impact: The project site contains a single-family residence and accessory structures which will be demolished. The addition of 62 dwelling units will yield a net gain of available housing.

XV. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance service ratios, response times or other performance objectives for any of the public services:

- i. Fire protection?
- ii. Police protection?
- iii. Schools?
- iv. Parks?
- v. Other public facilities?

- ☐ Potentially Significant Impact ☐ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated ☒ No Impact

Discussion/Explanation:

No Impact: Based on the service availability forms received for the project, the proposed project will not result in the need for significantly altered services or facilities. Service availability forms have been provided which indicate existing services are available to the project from the following agencies/ districts: Vista Fire Protection District, Vista Irrigation District, Buena Sanitation Maintenance District, and San Marcos Unified School District. The project does not involve the construction of new or physically altered governmental facilities including but not limited to fire protection facilities, sheriff facilities, schools, or parks in order to maintain acceptable service ratios, response times or other performance service ratios or objectives for any public services. Therefore, the project will not have an adverse physical effect on the environment because the project does not require new or significantly altered services or facilities to be constructed.

XVI. RECREATION

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: The project involves condominiums that will increase the use of existing neighborhood and regional parks or other recreational facilities. To avoid substantial physical deterioration of local recreation facilities the project will be required to pay fees or dedicate land for local parks to the County pursuant to the Park Land Dedication Ordinance (PLDO). The Park Land Dedication Ordinance (PLDO) is the mechanism that enables the funding or dedication of local parkland in the County. The PLDO establishes several methods by which developers may satisfy their park requirements. Options include the payment of park fees, the dedication of a public park, the provision of private recreational facilities, or a combination of these methods. PLDO funds must be used for the acquisition, planning, and development of local parkland and recreation facilities. Local parks are intended to serve the recreational needs of the communities in which they are located. The proposed project opted to pay park fees. Therefore, the project meets the requirements set forth by the PLDO for adequate parkland dedication and thereby reducing impacts, including cumulative impacts to local recreational facilities. The project will not result in significant cumulative impacts, because all past, present and future residential projects are required to comply with the requirements of PLDO. Refer to XVIII. Mandatory Findings of Significance for a comprehensive list of the projects considered.

Regarding regional recreational facilities, there are over 21,765 acres of regional parkland owned by the County, which exceeds the General Plan standard of 15 acres per 1,000 population. In addition, there are over one million acres of publicly owned land in San Diego County dedicated to parks or open space including Federal lands, State Parks, special districts,

and regional river parks. Due to the extensive acreage of existing publicly owned lands that can be used for recreation, the project will not result in substantial physical deterioration of regional recreational facilities or accelerate the deterioration of regional parkland. Moreover, the project will not result in a cumulatively considerable deterioration or accelerated deterioration of regional recreation facilities because even with all past, present and future residential projects a significant amount of regional recreational facilities will be available to County residents.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project does not include recreational facilities or require the construction or expansion of recreational facilities. Therefore, the construction or expansion of recreational facilities cannot have an adverse physical effect on the environment.

XVII. TRANSPORTATION AND TRAFFIC -- Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of the effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

The County of San Diego previously adopted "Guidelines for Determining Significance and Report Format and Content Requirements for Transportation and Traffic" in 2006, with revisions and modifications approved in 2007, 2009, 2010 and 2011. Revisions and modifications focused primarily on metrics related to vehicle delay through Level of Service (LOS). These Guidelines presented an evaluation of quantitative and qualitative analyses and objective and predictable evaluation criteria and performance measures for determining whether a land development project or a public project like a community plan has a significant traffic impact on the environment pursuant to the State California Environmental Quality Act (CEQA), as well as a determination of the required level of CEQA analysis.

Senate Bill 743 (SB 743) was signed into law on September 27, 2013 and changed the way that public agencies evaluate transportation impact under CEQA. A key element of this law is the elimination of using auto delay, LOS, and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant transportation impacts under CEQA. The

legislative intent of SB 743 was to “more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas (GHG) emissions.” According to the law, “traffic congestion shall not be considered a significant impact on the environment” within CEQA transportation analysis.

In response, the Governor’s Office of Planning and Research (OPR) updated CEQA Guidelines to establish new criteria for determining the significance of transportation impacts. Based on input from the public, public agencies, and various organizations, OPR recommended that Vehicle Miles Traveled (VMT) be the primary metric for evaluating transportation impacts under CEQA. VMT measures the number of vehicle trips generated and the length or distance of those trips.

SB 743 does not prevent a city or county from continuing to analyze delay or LOS as part of other plans (i.e., General Plan), studies, congestion management and transportation improvements, but these metrics may no longer constitute the basis for transportation impacts under CEQA analysis as of July 1, 2020. For example, in the County, the General Plan identifies LOS as being a required analysis, and even though it will no longer be a requirement of CEQA, unless the General Plan is amended, LOS will continue to be analyzed as part of project review.

Less than Significant Impact:

The County of San Diego published Transportation Study Guidelines dated May 2020 which were formally adopted by the County Board of Supervisors on June 24th, 2020. The Board voted to adopt a significance threshold for projects producing VMT of 15% below the unincorporated County VMT average. Using this threshold, projects are not required to conduct additional VMT analysis if the Project site is located within a VMT Efficient Area. A VMT Efficient Area is an area on County VMT maps that modelling data already shows is at least 15% below the unincorporated County VMT average per resident. The unincorporated County VMT average per resident is 32.54. A VMT rate that is 15% below the average is 27.66 VMT per resident.

Per OPR guidance and Pub. Resources Code, § 21083, subd. (b)(2); see CEQA Guidelines, § 15064, subd. (h)(1)., “a project that falls below an efficiency-based threshold that is aligned with long-term goals and relevant plans has no cumulative impact distinct from the project impact”. Therefore, according to the traffic experts at OPR, the VMT efficiency threshold used herein is the threshold for both a direct transportation impact and cumulative transportation impact.

A Vehicle Miles Travelled Assessment was prepared for the Project by Linscott, Law & Greenspan, Engineers dated July 27th, 2020. The Project site has a VMT average of 20.91 and is located within a VMT Efficient Area. No significant direct or cumulative VMT impact would occur and mitigation measures are not required. Therefore, the Project would not conflict with an applicable plan, ordinance or policy establishing measures of the effectiveness for the performance of the circulation system and impacts would be less than significant.

- b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: As discussed above in response XVII(a), a Vehicle Miles Travelled Assessment was prepared for the Project by Linscott, Law & Greenspan, Engineers dated July 27th, 2020. The Project site has a VMT average of 20.91 and is located within a VMT Efficient Area. No significant direct or cumulative VMT impact would occur and mitigation measures are not required. Therefore the Project would be consistent with CEQA Guidelines section 15064.3, subdivision (b) for project analysis using VMT metrics.

- c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: The proposed development is for residential condominiums and is an infill project. No new infrastructure such as sharp curves or dangerous intersections are proposed. Moreover, the use is consistent with the surrounding development. Therefore, the project would not directly or cumulatively increase hazards due to a geometric design feature or incompatible uses.

- d) Result in inadequate emergency access?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The proposed project will not result in inadequate emergency access. The project is not served by a dead-end road that exceeds the maximum cumulative length permitted by the San Diego County Consolidated Fire Code, therefore, the project has adequate emergency access. Additionally, roads used to access the proposed project site are up to County standards.

XVIII. TRIBAL CULTURAL RESOURCES -- Would the project:

- a) Cause a substantial adverse change in the significance of a tribal cultural resource, as defined in Public Resources Code §21074 as either a site, feature, place, or cultural

landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of Historical Resources as defined in Public Resources Code §5020.1(k), or

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

- ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code §5024.1, the Lead Agency shall consider the significance of the resource to a California Native American tribe.

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: Pursuant to AB-52, consultation was initiated with culturally affiliated tribes. No tribal cultural resources were identified during consultation. As such, there are no impacts to tribal cultural resources.

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:

- a) Require or result in the relocation of construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: The proposed project does not include or require the construction or expansion of utility and service system facilities which would not cause significant environmental effects. Prior to building permit sign-off and use of the site in relation to electric power, natural gas, and telecommunications facilities approval from San Diego Gas and Electric and applicable telecommunication company would be required. Additionally, based on the service availability forms received, the project will not require construction of new or expanded water, wastewater treatment or storm water drainage facilities. The project proposes to

discharge domestic waste to a community sewer system that is permitted to operate by the Regional Water Quality Control Board (RWQCB). Because the project will be discharging wastewater to a RWQCB permitted community sewer system and will be required to satisfy the conditions listed above, the project is consistent with the wastewater treatment requirements of the RWQCB, including the Regional Basin Plan. Moreover, pipelines will have to be extended for the purposes of this project. Therefore, the project will not require any construction of new or expanded facilities, which could cause significant environmental effects.

- b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

Less Than Significant Impact: The project requires water service from the Vista Irrigation District. A Service Availability Letter from the Vista Irrigation District has been provided, indicating adequate water resources and entitlements are available to serve the requested water resources. Therefore, the project will have sufficient water supplies available to serve the project.

- c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

Less Than Significant Impact: The project requires wastewater service from the Buena Sanitation District. A Service Availability Letter from the sewer district has been provided, indicating adequate wastewater service capacity is available to serve the requested demand. Therefore, the project will not interfere with any wastewater treatment provider's service capacity.

- d) Generate solid waste in excess of State or Local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Discussion/Explanation:

Less Than Significant Impact: Implementation of the project will generate solid waste. All solid waste facilities, including landfills require solid waste facility permits to operate. In San Diego County, the County Department of Environmental Health, Local Enforcement Agency issues solid waste facility permits with concurrence from the California Integrated Waste Management Board (CIWMB) under the authority of the Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440et seq.). There are five, permitted active landfills in San Diego County with remaining capacity. Therefore, there is sufficient existing permitted solid waste capacity to accommodate the project's solid waste disposal needs.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less Than Significant Impact: Implementation of the project will generate solid waste. All solid waste facilities, including landfills require solid waste facility permits to operate. In San Diego County, the County Department of Environmental Health, Local Enforcement Agency issues solid waste facility permits with concurrence from the California Integrated Waste Management Board (CIWMB) under the authority of the Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440et seq.). There are five, permitted active landfills in San Diego County with remaining capacity. Therefore, there is sufficient existing permitted solid waste capacity to accommodate the project's solid waste disposal needs.

XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Less than Significant Impact: As described in the response to IX(f) above, the project site is not located in a very high FHSZ. The project is located within the "urban unzoned" FHSZ and is surrounded by developed areas and/or irrigated lands. The proposed project does not substantially impair any adopted emergency response plan or emergency evacuation plan and would be serviced by the Vista Fire Protection District. Pursuant to the fire service availability form submitted for the project, Vista Fire Protection District has indicated the project is eligible for service and nearest fire station is located 1.6 miles from the project and has a response time

of approximately 3 minutes. Therefore, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentration from a wildfire or the uncontrolled spread of a wildfire?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Less than Significant Impact: As indicated above in response a), the proposed project is not located within a high or very high fire hazard severity zone, and thus a fire protection plan is not required. The proposed project would not exacerbate wildfire risk due to slope, prevailing winds or other factors because the project site is relatively flat and is an infill development located near existing civic and residential use types with relatively minimal vegetation. The project will however be required to meet applicable fire measures such as fire sprinklers, site inspections, premises identification, fire apparatus access, access road requirements, fire hydrants and vegetation removal/clearance would be required. Additionally, the Vista Fire Protection District has indicated the availability to serve the site in the case that a fire would occur. The nearest fire station is located 1.6 miles from the project site and has an estimated response time of 3 minutes.

- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Less than Significant Impact: The project site is not located within a high or very high fire severity zone. The proposed project is an infill development and as identified in response b), generalized fire safety measures would be required. No installation or maintenance of associated infrastructure, such as roads, fuel breaks, or emergency water sources, power lines or other utilities would be required for the project. Impacts would be less than significant.

- d) Expose people or structure to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

<input type="checkbox"/> Potentially Significant Impact	<input checked="" type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Less Than Significant With Mitigation Incorporated	<input type="checkbox"/> No Impact

Less than Significant Impact: The project site is not located within a high or very high fire severity zone. The proposed project is an infill development and as identified in response b), generalized fire safety measures would be required.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE:

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

- | | |
|--|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Per the instructions for evaluating environmental impacts in this Initial Study, the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory were considered in the response to each question in sections IV and V of this form. In addition to project specific impacts, this evaluation considered the projects potential for significant cumulative effects. Resources that have been evaluated as significant would be potentially impacted by the project, particularly biological resources. Impacts on biological resources from the proposed project consist of impacts to approximately 2.2 acres of non-native grassland. However, mitigation has been included that clearly reduces these effects to a level below significance. This mitigation includes purchase of 1.0 acres of non-native grassland credits through a County approved mitigation bank. As a result of this evaluation, there is no substantial evidence that, after mitigation, significant effects associated with this project would result. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

The following list of past, present and future projects were considered and evaluated as a part of this Initial Study:

PROJECT NAME	PERMIT TYPE	LOCATION	STATUS
Pentecostal Church of God/ The River's Improvement Project	Major Use Permit Minor Deviation	South of SR-78, East of Mimosa Ave	Approved 2018
Diamond Living Estates	Major Use Permit	South of SR-78, East of Plumosa Ave	Out to Applicant

Less than Significant Impact: Per the instructions for evaluating environmental impacts in this Initial Study, the potential for adverse cumulative effects were considered in the response to each question in sections I through XX of this form. In addition to project specific impacts, this evaluation considered the projects potential for incremental effects that are cumulatively considerable. As a result of this evaluation, there is no substantial evidence that there are cumulative effects associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in sections I. Aesthetics, III. Air Quality, VII. Geology and Soils, IX. Hazards and Hazardous Materials, X Hydrology and Water Quality XIII. Noise, XIV. Population and Housing, and XVII. Transportation and Traffic. As a result of this evaluation, there is no substantial evidence that there are adverse effects on human beings associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

XXII. REFERENCES USED IN THE COMPLETION OF THE INITIAL STUDY CHECKLIST

All references to Federal, State and local regulation are available on the Internet. For Federal regulation refer to <http://www4.law.cornell.edu/uscode/>. For State regulation refer to www.leginfo.ca.gov. For County regulation refer to www.amlegal.com. All other references are available upon request.

Castells, Shelby; Red Tail Environmental, (September 2019), Negative Cultural Resources Survey Report

Hongola, Steven J.; Rincon Consultants, Inc., (June 26, 2020), Biological Resources Letter Report

Linscott, Law & Greenspan, Engineers, (July 27, 2020), Vehicle Miles Travelled Assessment

Louden, Jeremy; Ldn Consulting, Inc., (June 9, 2020), Air Quality Assessment

Louden, Jeremy; Ldn Consulting, Inc., (August 12, 2020), Global Climate Change

Louden, Jeremy; Ldn Consulting, Inc., (January 9, 2020), Noise Assessment

Merkey, Ryan T.; EEI Engineering Solutions, (June 22, 2018), Phase I Environmental Site Assessment and Limited Soil Investigation

Rincon Consultants, Inc., (October 2019), Land Use and Community Character Analysis

Tang, Bai "Tom"; CRM Tech, (February 11, 2020), Historic-Period Building Evaluation

Vialpando, Alisa S.; Hunsaker & Associates San Diego, Inc., (July 7, 2020), Preliminary Drainage Study

Vialpando, Alisa S.; Hunsaker & Associates San Diego, Inc., (July 8, 2020), Stormwater Quality Management Plan for Priority Development Projects

AESTHETICS

California Street and Highways Code [California Street and Highways Code, Section 260-283. (<http://www.leginfo.ca.gov/>)

California Scenic Highway Program, California Streets and Highways Code, Section 260-283. (<http://www.dot.ca.gov/hq/LandArch/scenic/scpr.htm>)

County of San Diego, Planning & Development Services. The Zoning Ordinance of San Diego County. Sections 5200-5299; 5700-5799; 5900-5910, 6322-6326. (www.co.san-diego.ca.us)

County of San Diego, Board Policy I-73: Hillside Development Policy. (www.co.san-diego.ca.us)

County of San Diego, Board Policy I-104: Policy and Procedures for Preparation of Community Design Guidelines, Section 396.10 of the County Administrative Code and Section 5750 et seq. of the County Zoning Ordinance. (www.co.san-diego.ca.us)

County of San Diego Light Pollution Code, Title 5, Division 9 (Sections 59.101-59.115 of the County Code of Regulatory Ordinances) as added by Ordinance No 6900, effective January 18, 1985, and amended July 17, 1986 by Ordinance No. 7155. (www.amlegal.com)

County of San Diego Wireless Communications Ordinance [San Diego County Code of Regulatory Ordinances. (www.amlegal.com)

Design Review Guidelines for the Communities of San Diego County. (Alpine, Bonsall, Fallbrook, Julian, Lakeside, Ramona, Spring Valley, Sweetwater, Valley Center).

Federal Communications Commission, Telecommunications Act of 1996 [Telecommunications Act of 1996, Pub. LA. No. 104-104, 110 Stat. 56 (1996). (<http://www.fcc.gov/Reports/tcom1996.txt>)

Institution of Lighting Engineers, Guidance Notes for the Reduction of Light Pollution, Warwickshire, UK, 2000 (<http://www.dark-skies.org/file-qd-e.htm>)

International Light Inc., Light Measurement Handbook, 1997. (www.intl-light.com)

Rensselaer Polytechnic Institute, Lighting Research Center, National Lighting Product Information Program (NLPPI), Lighting Answers, Volume 7, Issue 2, March 2003. (www.lrc.rpi.edu)

US Census Bureau, Census 2000, Urbanized Area Outline Map, San Diego, CA. (<http://www.census.gov/geo/www/maps/ua2kmaps.htm>)

US Department of the Interior, Bureau of Land Management (BLM) modified Visual Management System. (www.blm.gov)

US Department of Transportation, Federal Highway Administration (FHWA) Visual Impact Assessment for Highway Projects.

US Department of Transportation, National Highway System Act of 1995 [Title III, Section 304. Design Criteria for the National Highway System. (<http://www.fhwa.dot.gov/legregs/nhsdatoc.html>)

AGRICULTURE RESOURCES

California Department of Conservation, Farmland Mapping and Monitoring Program, "A Guide to the Farmland Mapping and Monitoring Program," November 1994. (www.consrv.ca.gov)

California Department of Conservation, Office of Land Conversion, "California Agricultural Land Evaluation and Site Assessment Model Instruction Manual," 1997. (www.consrv.ca.gov)

California Farmland Conservancy Program, 1996. (www.consrv.ca.gov)

California Land Conservation (Williamson) Act, 1965. (www.ceres.ca.gov, www.consrv.ca.gov)

California Right to Farm Act, as amended 1996. (www.qp.gov.bc.ca)

County of San Diego Agricultural Enterprises and Consumer Information Ordinance, 1994, Title 6, Division 3, Ch. 4. Sections 63.401-63.408. (www.amlegal.com)

County of San Diego, Department of Agriculture, Weights and Measures, "2002 Crop Statistics and Annual Report," 2002. (www.sdcountry.ca.gov)

United States Department of Agriculture, Natural Resource Conservation Service LESA System. (www.nrcs.usda.gov, www.swcs.org).

United States Department of Agriculture, Soil Survey for the San Diego Area, California. 1973. (soils.usda.gov)

AIR QUALITY

CEQA Air Quality Analysis Guidance Handbook, South Coast Air Quality Management District, Revised November 1993. (www.aqmd.gov)

County of San Diego Air Pollution Control District's Rules and Regulations, updated August 2003. (www.co.san-diego.ca.us)

Federal Clean Air Act US Code; Title 42; Chapter 85 Subchapter 1. (www4.law.cornell.edu)

BIOLOGY

California Department of Fish and Wildlife (CDFW). Southern California Coastal Sage Scrub Natural Community Conservation Planning Process Guidelines. CDFW and California Resources Agency, Sacramento, California. 1993. (www.dfg.ca.gov)

County of San Diego, An Ordinance Amending the San Diego County Code to Establish a Process for Issuance of the Coastal Sage Scrub Habitat Loss Permits and Declaring the Urgency Thereof to Take Effect Immediately, Ordinance No. 8365. 1994, Title 8, Div 6, Ch. 1. Sections 86.101-86.105, 87.202.2. (www.amlegal.com)

County of San Diego, Biological Mitigation Ordinance, Ord. Nos. 8845, 9246, 1998 (new series). (www.co.san-diego.ca.us)

County of San Diego, Implementing Agreement by and between United States Fish and Wildlife Service, California Department of Fish and Wildlife and County of San Diego. County of San Diego, Multiple Species Conservation Program, 1998.

County of San Diego, Multiple Species Conservation Program, County of San Diego Subarea Plan, 1997.

Holland, R.R. Preliminary Descriptions of the Terrestrial Natural Communities of California. State of California, Resources Agency, Department of Fish and Wildlife, Sacramento, California, 1986.

Memorandum of Understanding [Agreement Between United States Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), California Department of Forestry and Fire Protection (CDF), San Diego

County Fire Chiefs Association and the Fire District's Association of San Diego County.

Stanislaus Audubon Society, Inc. v County of Stanislaus (5th Dist. 1995) 33 Cal.App.4th 144, 155-159 [39 Cal. Rptr.2d 54]. (www.ceres.ca.gov)

U.S. Army Corps of Engineers Environmental Laboratory. Corps of Engineers Wetlands Delineation Manual. U.S. Army Corps of Engineers, Wetlands Research Program Technical Report Y-87-1. 1987. (<http://www.wes.army.mil/>)

U.S. Environmental Protection Agency. America's wetlands: our vital link between land and water. Office of Water, Office of Wetlands, Oceans and Watersheds. EPA843-K-95-001. 1995b. (www.epa.gov)

U.S. Fish and Wildlife Service and National Marine Fisheries Service. Habitat Conservation Planning Handbook. Department of Interior, Washington, D.C. 1996. (endangered.fws.gov)

U.S. Fish and Wildlife Service and National Marine Fisheries Service. Consultation Handbook: Procedures for Conducting Consultation and Conference Activities Under Section 7 of the Endangered Species Act. Department of Interior, Washington, D.C. 1998. (endangered.fws.gov)

U.S. Fish and Wildlife Service. Environmental Assessment and Land Protection Plan for the Vernal Pools Stewardship Project. Portland, Oregon. 1997.

U.S. Fish and Wildlife Service. Vernal Pools of Southern California Recovery Plan. U.S. Department of Interior, Fish and Wildlife Service, Region One, Portland, Oregon, 1998. (ecos.fws.gov)

U.S. Fish and Wildlife Service. Birds of conservation concern 2002. Division of Migratory. 2002. (migratorybirds.fws.gov)

CULTURAL RESOURCES

California Health & Safety Code. §18950-18961, State Historic Building Code. (www.leginfo.ca.gov)

California Health & Safety Code. §5020-5029, Historical Resources. (www.leginfo.ca.gov)

California Health & Safety Code. §7050.5, Human Remains. (www.leginfo.ca.gov)

California Native American Graves Protection and Repatriation Act, (AB 978), 2001. (www.leginfo.ca.gov)

California Public Resources Code §5024.1, Register of Historical Resources. (www.leginfo.ca.gov)

California Public Resources Code. §5031-5033, State Landmarks. (www.leginfo.ca.gov)

California Public Resources Code. §5097-5097.6, Archaeological, Paleontological, and Historic Sites. (www.leginfo.ca.gov)

California Public Resources Code. §5097.9-5097.991, Native American Heritage. (www.leginfo.ca.gov)

City of San Diego. Paleontological Guidelines. (revised) August 1998.

County of San Diego, Local Register of Historical Resources (Ordinance 9493), 2002. (www.co.san-diego.ca.us)

Demere, Thomas A., and Stephen L. Walsh. Paleontological Resources San Diego County. Department of Paleontology, San Diego Natural History Museum. 1994.

Moore, Ellen J. Fossil Mollusks of San Diego County. San Diego Society of Natural history. Occasional; Paper 15. 1968.

U.S. Code including: American Antiquities Act (16 USC §431-433) 1906. Historic Sites, Buildings, and Antiquities Act (16 USC §461-467), 1935. Reservoir Salvage Act (16 USC §469-469c) 1960. Department of Transportation Act (49 USC §303) 1966. National Historic Preservation Act (16 USC §470 et seq.) 1966. National Environmental Policy Act (42 USC §4321) 1969. Coastal Zone Management Act (16 USC §1451) 1972. National Marine Sanctuaries Act (16 USC §1431) 1972. Archaeological and Historical Preservation Act (16 USC §469-469c) 1974. Federal Land Policy and Management Act (43 USC §35) 1976. American Indian Religious Freedom Act (42 USC §1996 and 1996a) 1978. Archaeological Resources Protection Act (16 USC §470aa-mm) 1979. Native American Graves Protection and Repatriation Act (25 USC §3001-3013) 1990. Intermodal Surface Transportation Efficiency Act (23 USC §101, 109) 1991. American Battlefield Protection Act (16 USC 469k) 1996. (www4.law.cornell.edu)

GEOLOGY & SOILS

California Department of Conservation, Division of Mines and Geology, California Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42, Revised 1997. (www.consrv.ca.gov)

California Department of Conservation, Division of Mines and Geology, Fault-Rupture Hazard Zones in California, Special Publication 42, revised 1997. (www.consrv.ca.gov)

California Department of Conservation, Division of Mines and Geology, Special Publication 117, Guidelines for Evaluating and Mitigating Seismic Hazards in California, 1997. (www.consrv.ca.gov)

County of San Diego Code of Regulatory Ordinances Title 6, Division 8, Chapter 3, Septic Ranks and Seepage Pits. (www.amlegal.com)

County of San Diego Department of Environmental Health, Land and Water Quality Division, February 2002. On-site Wastewater Systems (Septic Systems): Permitting Process and Design Criteria. (www.sdcountry.ca.gov)

County of San Diego Natural Resource Inventory, Section 3, Geology.

United States Department of Agriculture, Soil Survey for the San Diego Area, California. 1973. (soils.usda.gov)

HAZARDS & HAZARDOUS MATERIALS

American Planning Association, Zoning News, "Saving Homes from Wildfires: Regulating the Home Ignition Zone," May 2001.

California Building Code (CBC), Seismic Requirements, Chapter 16 Section 162. (www.buildersbook.com)

California Education Code, Section 17215 and 81033. (www.leginfo.ca.gov)

California Government Code. § 8585-8589, Emergency Services Act. (www.leginfo.ca.gov)

California Hazardous Waste and Substances Site List. April 1998. (www.dtsc.ca.gov)

California Health & Safety Code Chapter 6.95 and §25117 and §25316. (www.leginfo.ca.gov)

California Health & Safety Code § 2000-2067. (www.leginfo.ca.gov)

California Health & Safety Code. §17922.2. Hazardous Buildings. (www.leginfo.ca.gov)

California Public Utilities Code, SDCRAA. Public Utilities Code, Division 17, Sections 170000-170084. (www.leginfo.ca.gov)

California Resources Agency, "OES Dam Failure Inundation Mapping and Emergency Procedures Program", 1996. (ceres.ca.gov)

County of San Diego, Department of Environmental Health, Hazardous Materials Division. California Accidental Release Prevention Program (CalARP) Guidelines. (<http://www.sdcountry.ca.gov/>, www.oes.ca.gov)

County of San Diego, Department of Environmental Health, Hazardous Materials Division. Hazardous Materials Business Plan Guidelines. (www.sdcountry.ca.gov)

Uniform Building Code. (www.buildersbook.com)

Uniform Fire Code 1997 edition published by the Western Fire Chiefs Association and the International Conference of Building Officials, and the National Fire Protection Association Standards 13 & 13-D, 1996 Edition, and 13-R, 1996 Edition. (www.buildersbook.com)

HYDROLOGY & WATER QUALITY

American Planning Association, Planning Advisory Service Report Number 476 Non-point Source Pollution: A Handbook for Local Government

California Department of Water Resources, California Water Plan Update. Sacramento: Dept. of Water Resources State of California. 1998. (rubicon.water.ca.gov)

California Department of Water Resources, California's Groundwater Update 2003 Bulletin 118, April 2003. (www.groundwater.water.ca.gov)

California Department of Water Resources, Water Facts, No. 8, August 2000. (www.dpla2.water.ca.gov)

California Disaster Assistance Act. Government Code, § 8680-8692. (www.leginfo.ca.gov)

California State Water Resources Control Board, NPDES General Permit Nos. CAS000001 INDUSTRIAL ACTIVITIES (97-03-DWQ) and CAS000002 Construction Activities (No. 99-08-DWQ) (www.swrcb.ca.gov)

California Storm Water Quality Association, California Storm Water Best Management Practice Handbooks, 2003.

California Water Code, Sections 10754, 13282, and 60000 et seq. (www.leginfo.ca.gov)

Colorado River Basin Regional Water Quality Control Board, Region 7, Water Quality Control Plan. (www.swrcb.ca.gov)

County of San Diego Regulatory Ordinance, Title 8, Division 7, Grading Ordinance. Grading, Clearing and Watercourses. (www.amlegal.com)

County of San Diego, Groundwater Ordinance. #7994. (www.sdcountry.ca.gov, <http://www.amlegal.com/>)

County of San Diego, Project Clean Water Strategic Plan, 2002. (www.projectcleanwater.org)

County of San Diego, Watershed Protection, Storm Water Management, and Discharge Control Ordinance, Ordinance Nos. 9424 and 9426. Chapter 8, Division 7, Title 6 of the San Diego County Code of Regulatory Ordinances and amendments. (www.amlegal.com)

County of San Diego. Board of Supervisors Policy I-68. Diego Proposed Projects in Flood Plains with Defined Floodways. (www.co.san-diego.ca.us)

Federal Water Pollution Control Act (Clean Water Act), 1972, Title 33, Ch.26, Sub-Ch.1. (www4.law.cornell.edu)

Freeze, Allan and Cherry, John A., Groundwater, Prentice-Hall, Inc. New Jersey, 1979.

Heath, Ralph C., Basic Ground-Water Hydrology, United States Geological Survey Water-Supply Paper; 2220, 1991.

National Flood Insurance Act of 1968. (www.fema.gov)

National Flood Insurance Reform Act of 1994. (www.fema.gov)

Porter-Cologne Water Quality Control Act, California Water Code Division 7. Water Quality. (ceres.ca.gov)

San Diego Association of Governments, Water Quality Element, Regional Growth Management Strategy, 1997. (www.sandag.org)

San Diego Regional Water Quality Control Board, NPDES Permit No. CAS0108758. (www.swrcb.ca.gov)

San Diego Regional Water Quality Control Board, Water Quality Control Plan for the San Diego Basin. (www.swrcb.ca.gov)

LAND USE & PLANNING

California Department of Conservation Division of Mines and Geology, Open File Report 96-04, Update of Mineral Land Classification: Aggregate Materials in the Western San Diego County Production Consumption Region, 1996. (www.consrv.ca.gov)

California Environmental Quality Act, Public Resources Code 21000-21178; California Code of Regulations, Guidelines for Implementation of CEQA, Appendix G, Title 14, Chapter 3, §15000-15387. (www.leginfo.ca.gov)

California State Mining and Geology Board, SP 51, California Surface Mining and Reclamation Policies and Procedures, January 2000. (www.consrv.ca.gov)

County of San Diego, Board of Supervisors Policy I-84: Project Facility. (www.sdcountry.ca.gov)

County of San Diego, Board Policy I-38, as amended 1989. (www.sdcountry.ca.gov)

County of San Diego, General Plan as adopted August 3, 2011. (ceres.ca.gov)

County of San Diego. Resource Protection Ordinance, compilation of Ord.Nos. 7968, 7739, 7685 and 7631. 1991.

Design Review Guidelines for the Communities of San Diego County.

MINERAL RESOURCES

National Environmental Policy Act, Title 42, 36.401 et. seq. 1969. (www4.law.cornell.edu)

Subdivision Map Act, 2011. (ceres.ca.gov)

U.S. Geologic Survey, Causey, J. Douglas, 1998, MAS/MILS Mineral Location Database.

U.S. Geologic Survey, Frank, David G., 1999, (MRDS) Mineral Resource Data System.

NOISE

California State Building Code, Part 2, Title 24, CCR, Appendix Chapter 3, Sound Transmission Control, 1988. . (www.buildersbook.com)

Smilax Townhome Project
PDS2019-GPA-19-003; PDS2019-TM-5634

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August 27, 2020

County of San Diego Code of Regulatory Ordinances, Title 3, Div 6, Chapter 4, Noise Abatement and Control, effective February 4, 1982. (www.amlegal.com)

County of San Diego General Plan, Noise Element, effective August 3, 2011. (ceres.ca.gov)

Federal Aviation Administration, Federal Aviation Regulations, Part 150 Airport Noise Compatibility Planning (revised January 18, 1985). (<http://www.access.gpo.gov/>)

Harris Miller Miller and Hanson Inc., *Transit Noise and Vibration Impact Assessment*, April 1995. (<http://ntl.bts.gov/data/rail05/rail05.html>)

International Standard Organization (ISO), ISO 362; ISO 1996 1-3; ISO 3095; and ISO 3740-3747. (www.iso.ch)

U.S. Department of Transportation, Federal Highway Administration, Office of Environment and Planning, Noise and Air Quality Branch. "Highway Traffic Noise Analysis and Abatement Policy and Guidance," Washington, D.C., June 1995. (<http://www.fhwa.dot.gov/>)

POPULATION & HOUSING

Housing and Community Development Act of 1974, 42 USC 5309, Title 42--The Public Health And Welfare, Chapter 69--Community Development, United States Congress, August 22, 1974. (www4.law.cornell.edu)

National Housing Act (Cranston-Gonzales), Title 12, Ch. 13. (www4.law.cornell.edu)

San Diego Association of Governments Population and Housing Estimates, November 2000. (www.sandag.org)

US Census Bureau, Census 2000. (<http://www.census.gov/>)

RECREATION

County of San Diego Code of Regulatory Ordinances, Title 8, Division 10, Chapter PLDO, §810.101 et seq. Park Lands Dedication Ordinance. (www.amlegal.com)

TRANSPORTATION/TRAFFIC

California Aeronautics Act, Public Utilities Code, Section 21001 et seq. (www.leginfo.ca.gov)

California Department of Transportation, Division of Aeronautics, California Airport Land Use Planning Handbook, January 2002.

California Department of Transportation, Environmental Program Environmental Engineering – Noise, Air Quality, and Hazardous Waste Management Office. "Traffic Noise Analysis Protocol for New Highway Construction and Reconstruction Projects," October 1998. (www.dot.ca.gov)

California Public Utilities Code, SDCRAA. Public Utilities Code, Division 17, Sections 170000-170084. (www.leginfo.ca.gov)

California Street and Highways Code. California Street and Highways Code, Section 260-283. (www.leginfo.ca.gov)

County of San Diego, Alternative Fee Schedules with Pass-By Trips Addendum to Transportation Impact Fee Reports, March 2005. (<http://www.sdcounty.ca.gov/dpw/land/pdf/TransImpactFee/attach.pdf>)

County of San Diego Transportation Impact Fee Report. January 2005. (<http://www.sdcounty.ca.gov/dpw/permits-forms/manuals.html>)

Fallbrook & Ramona Transportation Impact Fee Report, County of San Diego, January 2005. (<http://www.sdcounty.ca.gov/dpw/permits-forms/manuals.html>)

Office of Planning, Federal Transit Administration, Transit Noise and Vibration Impact Assessment, Final Report, April 1995.

San Diego Association of Governments, 2020 Regional Transportation Plan. Prepared by the San Diego Association of Governments. (www.sandag.org)

San Diego County Regional Airport Authority ALUCP'S (http://www.san.org/sdcraa/airport_initiatives/land_use/adopted_docs.aspx)

US Code of Federal Regulations, Federal Aviation Regulations (FAR), Objects Affecting Navigable Airspace, Title 14, Chapter 1, Part 77. (www.gpoaccess.gov)

UTILITIES & SERVICE SYSTEMS

California Code of Regulations (CCR), Title 14. Natural Resources Division, CIWMB Division 7; and Title 27, Environmental Protection Division 2, Solid Waste. (ccr.oal.ca.gov)

California Integrated Waste Management Act. Public Resources Code, Division 30, Waste Management, Sections 40000-41956. (www.leginfo.ca.gov)

County of San Diego, Board of Supervisors Policy I-78: Small Wastewater. (www.sdcounty.ca.gov)

Unified San Diego County Emergency Services Organization Annex T Emergency Water Contingencies, October 1992. (www.co.san-diego.ca.us)

United States Department of Agriculture, Natural Resource Conservation Service LESA System.

United States Department of Agriculture, Soil Survey for the San Diego Area, California. 1973.

US Census Bureau, Census 2000.

US Code of Federal Regulations, Federal Aviation Regulations (FAR), Objects Affecting Navigable Airspace, Title 14, Chapter 1, Part 77.

US Department of the Interior, Bureau of Land Management (BLM) modified Visual Management System.

US Department of Transportation, Federal Highway Administration (FHWA) Visual Impact Assessment for Highway Projects.

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
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NO
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NOT APPLICABLE/EXEMPT
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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
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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 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
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NO
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NOT APPLICABLE/EXEMPT
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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

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NO

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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

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NO

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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.