

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

**FOR PURPOSES OF CONSIDERATION OF  
MONSERATE WINERY  
PDS2018-MUP-74-165W1; PDS2017-LDGRMJ-30122; PDS2018-ER-18-02-003**

**November 21, 2019**

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

YES

NO

NOT APPLICABLE/EXEMPT

Discussion:

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project area and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

**II. MSCP/BMO** - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES

NO

NOT APPLICABLE/EXEMPT

Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

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

YES

NO

NOT APPLICABLE/EXEMPT

Discussion:

All water used in maintaining the vineyard and onsite landscaping would be water from the existing onsite groundwater wells. The well water used to support the proposed vineyard operations would total less than the historical onsite well water use for the operation of the former golf course. Water for the restaurant, winery, and venues would

be provided via public water service from the Rainbow Municipal Water District (RMWD).

**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 <a href="#">Steep Slope</a> 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:***

Even though wetlands and/or wetland buffer areas have been identified on the project, the project has been found to be consistent with Article IV of the Resource Protection Ordinance, due to the following reasons: a) the project will not place any non-permitted uses within wetlands; b) the project will not allow grading, filling, construction, or placement of structures within identified wetlands; and c) the project will not allow any non-permitted uses within wetland buffer areas. 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:***

A County mapped 100-year floodway and floodplain runs through the center of the project site. A Floodplain Analysis (dated January 2019) prepared by Jay Sullivan of Michael Baker International was reviewed and demonstrates that the proposed project will not adversely impact the 100-year flood plain across the site and all buildings will be located outside of the floodway and floodplain fringe area. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

***Steep Slopes:***

Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). The project does not propose construction in steep slopes as all construction and grading will occur on property that does not qualify as steep slopes. 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 as the majority of the site has been previously disturbed by an existing golf course. 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, Micah Hale and it has been determined that the property does not contain any archaeological/ historical sites. As such, the project complies with the RPO.

**V. STORMWATER ORDINANCE (WPO)** – Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES

NO

NOT APPLICABLE

Discussion:

The project Storm Water Quality Management Plan has been reviewed and has been found to be complete and in conformance with the WPO.

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES

NO

NOT APPLICABLE

Discussion:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Staff has reviewed the noise report by Ldn Consulting Inc., dated March 25, 2019 for PDS2018-MUP-74-165W1. The report is considered acceptable and staff has final noise recommendations to ensure the project would comply with County noise standards. The project proposes a winery/passive open space with event/venues or similar gathering on 24.8 acres of the project site. The project and surrounding parcels are zoned Limited Agriculture (A70) and is subject to a restrictive sound level requirement of a one-hour average 45 dBA limit at the project property line. Primary noise sources associated with the project would be from the proposed special events, mechanical rooftop Heating Ventilation Air Conditioning unit (HVAC), and construction activities.

The report demonstrated, based on a conservative scenario that the cumulative sound levels from all operational noise sources from this project would not result in a significant impact to the adjacent parcels. Based on the report, the noise levels from Venue 1 and 2, when operating concurrently would produce a cumulative noise levels of 50 dBA, which is in compliance with daytime noise limits as specified in the Noise Ordinance, Section 36.404. In addition, in order to comply with the Noise Ordinance, the outdoor events are limited to light ceremony music and wedding officials. The ceremony areas will face toward the sloping hill or the winery building to ensure noise attenuation. Any events with amplified music will be limited to indoors only and will end promptly by 10 pm, where no music, live or recorded would occur after 10:00 pm.

Staff also anticipate the noise level from the mechanical units to not exceed the noise threshold. The noise level from the equipment is 73 dBA at 3 feet. The nearest property line is located at 130 feet away. The units would be proposed on the roof of the proposed buildings. The noise levels associated by these mechanical units will be limited with the proposed parapet walls that are roughly 1-foot higher than the HVAC units. The parapet walls will block the line of site to the adjacent residential parcels and it would additionally reduce the noise levels further by 5 dBA. Based on the distance separation and parapet, the project as designed, demonstrates Noise Ordinance (N.O.) compliance and no noise mitigation is required.

In addition, the noise generated by the construction is anticipated to not exceed the Noise Ordinance. The equipment would be used for a limited period and would be spread out over the project site from distances near the occupied property of distances of 400-feet or more away. Based on the report, majority of the grading operations will occur more than 200-feet from the property lines; at the average distances of over 100-feet, the grading activities are anticipated to not exceed the 75-dBA standard. The hours of construction would be limited to 7:00am to 6pm on weekdays. No work shall be commenced during the weekends and Holidays. There will be no blasting or rock crushing, therefore the noise levels from construction would be in compliance with the Noise Ordinance Section 36.408,409, and 410.