COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

Initial Study – Environmental Checklist

PLN-2029
04/2019

Project Title & No. Morris Conditional Use Permit / DRC2020-00033 / ED23-42

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

☐ Aesthetics	☐ Greenhouse Gas Emissions	☐ Public Services
☐ Agriculture & Forestry Resources	☐ Hazards & Hazardous Materials	☐ Recreation
☒ Air Quality	☐ Hydrology & Water Quality	☐ Transportation
☒ Biological Resources	☐ Land Use & Planning	☐ Tribal Cultural Resources
☐ Cultural Resources	☐ Mineral Resources	☐ Utilities & Service Systems
☐ Energy	☒ Noise	☐ Wildfire
☐ Geology & Soils	☐ Population & Housing	☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ 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.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Hannah Woolsey, Planning Staff	Holly Phipps Digitally signed by Holly Phipps DN: C=US, E=hphipps@co.slo.ca.us, O=Department of Planning and Building, OU=County of San Luis Obispo, CN=Holly Phipps Date: 2023.03.13 16:22:52-07'00'	For Holly Phipps for Hannah Woolsey	07/07/2022
Prepared by (Print)	Signature		Date
Holly Phipps Supervising Planner	Holly Phipps Digitally signed by Holly Phipps DN: C=US, E=hphipps@co.slo.ca.us, O=Department of Planning and Building, OU=County of San Luis Obispo, CN=Holly Phipps Date: 2023.03.13 16:23:10-07'00'	For Eric Hughs, Principal Environmental Specialist	03/10/2023
Reviewed by (Print)	Signature		Date

Initial Study – Environmental Checklist

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. Project

DESCRIPTION: A request by Joshua and Katherine Morris for a Conditional Use Permit (DRC2020-00033) to allow the development of an approximately 7,200 square feet (SF) single story winery facility that will include a 4,200 SF production area/barrel storage area, a 323 SF tasting area, 213 SF kitchen, restrooms, storage rooms and a 1,200 SF second floor mezzanine area that will include an office, storage areas and 184 SF outdoor patio. The project includes a 2,586 SF subterranean cave for wine storage, a 423 SF members only tasting room, and 177 SF bottle storage area. The winery's initial annual production is anticipated to be approximately 2,700 cases with a maximum of 5,000 cases. The project includes a request to host up to 30 winery special events annually with a maximum of 250 guests (including non-profits). The applicant is requesting to participate in wine industry-events as allowed by the Land Use Ordinance. Events to be held both indoor and outdoor. The applicant is requesting a modification to ordinance Section 22.30.070.D.i(3) to allow outdoor amplified sound beyond 5 p.m. to allow up to 8 p.m., and a modification to the ordinance Section 22.10.090.C.1 limiting the height of the winery building to 45 feet to allow up to 50 feet. The project would result in approximately 2.4 acres of site disturbance on a 32.23-acre parcel, including 9,250 cubic yards of cut and 750 cubic yards of fill. The proposed project is located with the Agriculture land use category and is located at 8790 East CA-41. The proposed project is located within the El Pomar-Estrella Sub Area of the North County Planning Area.

Expanded Project Description

Winery Special Events and Industry-Wide / Marketing Events

The winery facility intends to continue to participate in activities during Wine Industry Weekends and other marketing activities not defined as special events by the Land Use Ordinance (e.g., non-advertised wine club activities and activities with under 50 attendees).

In addition, the project includes a special events program to allow up to 30 events a year with a maximum of 250 attendees (including non-profits). The number of persons per event is proposed as follows:

- 15 events per year at 150 persons per event
- 10 events per year at 200 persons per event
- 5 events per year at 250 persons per event

Industry-Wide Events

- The winery facility will participate in activities during Wine Industry Weekends and other marketing activities not defined as special events by the Land Use Ordinance 22.30.070.D.2.i. for example non-advertised wine club activities and activities with under 50 attendees.

Permit History

June 15, 2005 – A Minor Use Permit (DRC2005-00270) was approved that allowed the conversion of an existing 1,750-SF-agricultural barn into a 1,640 SF winery with a 110-SF-tasting room. Wine case production was estimated to be approximately 3,000 cases per year. Project was referred to Caltrans; Encroachment permit was required for a new access road.

May 20, 2016 – A Minor Use Permit (DRC2014-00144) was approved that allowed the expansion of an existing winery to allow the construction of a 984-SF building to include a 717-SF tasting room, 91-SF commercial kitchen, 68-SF office, 70-SF retail area and 48-SF restroom. The existing 110-SF-tasting room located in the wine processing/barrel storage building was to be converted into a production area. The project was approved to increase annual case production 3,000 cases to 10,000 cases. The project was also approved to host 6 winery special events annually for up to 80 guests. No outdoor amplified was proposed. No building permits were issued and the Minor Use Permit Expired.

ASSESSOR PARCEL NUMBER(S): 035-111-022

Latitude: 35.53532 N **Longitude:** 120.53516 W **SUPERVISORIAL DISTRICT #** 1

B. Existing Setting

Plan Area: North County **Sub:** El Pomar/Estrella **Comm:** NA

Land Use Category: Agriculture

Combining Designation: Renewable Energy Overlay

Parcel Size: 32.23 acres

Topography: Gently sloping to moderately sloping

Vegetation: Agriculture Scattered Oaks Herbaceous

Existing Uses: Agricultural uses single-family residence(s) Vacation Rental

Surrounding Land Use Categories and Uses:

North: Agriculture; single-family residence(s) , vineyards ***East:*** Agriculture; single-family residence(s), ag uses

South: Agriculture; single-family residence(s) , vineyards ***West:*** Agriculture; agricultural uses

Figure 1: Vicinity Map

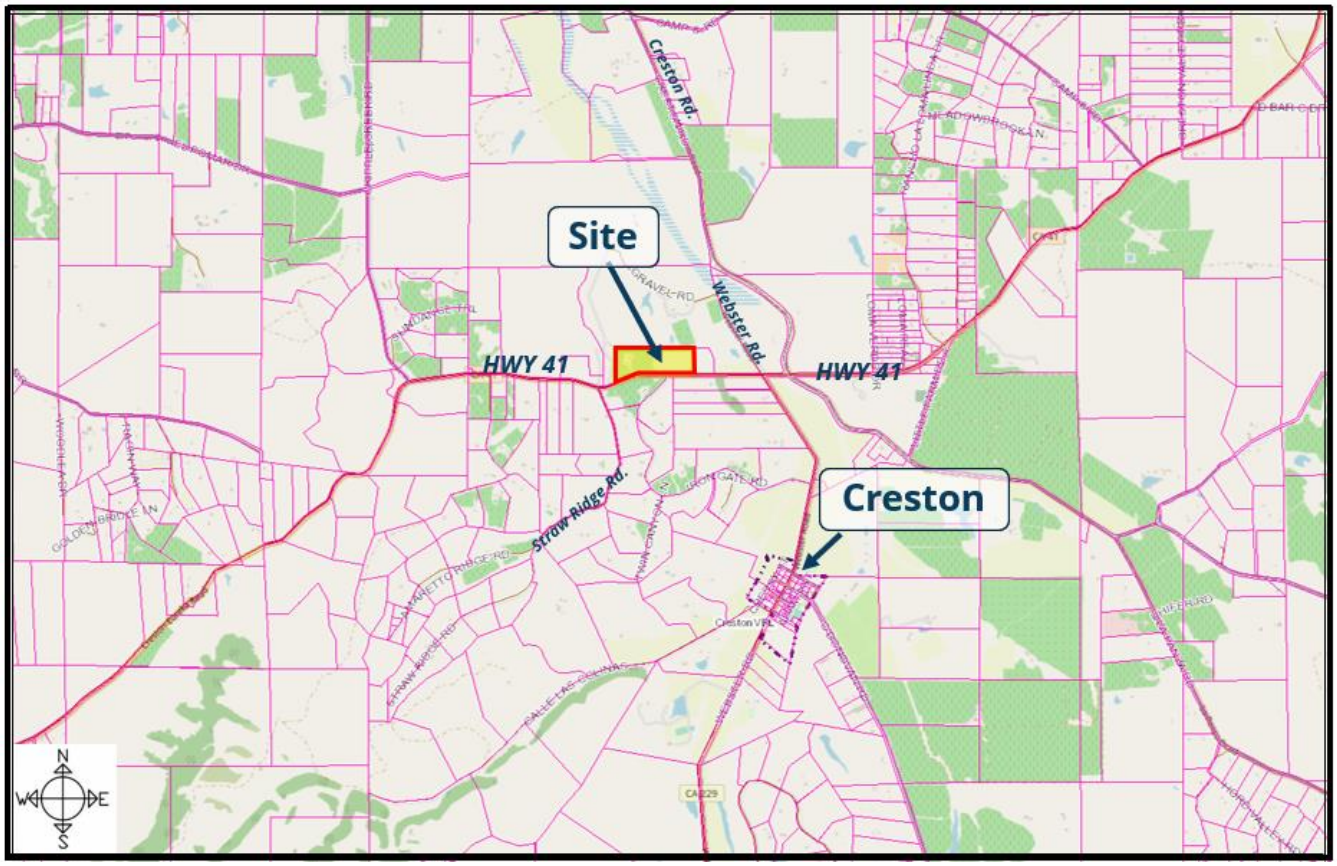


Figure 1: Site Plan

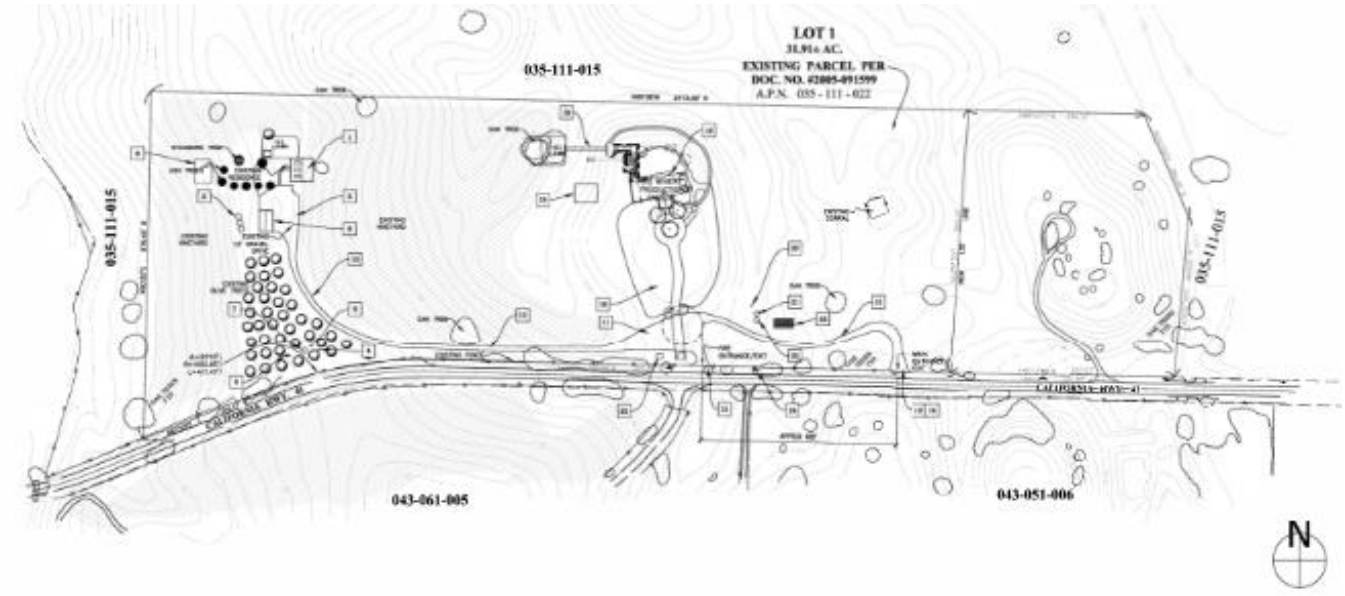
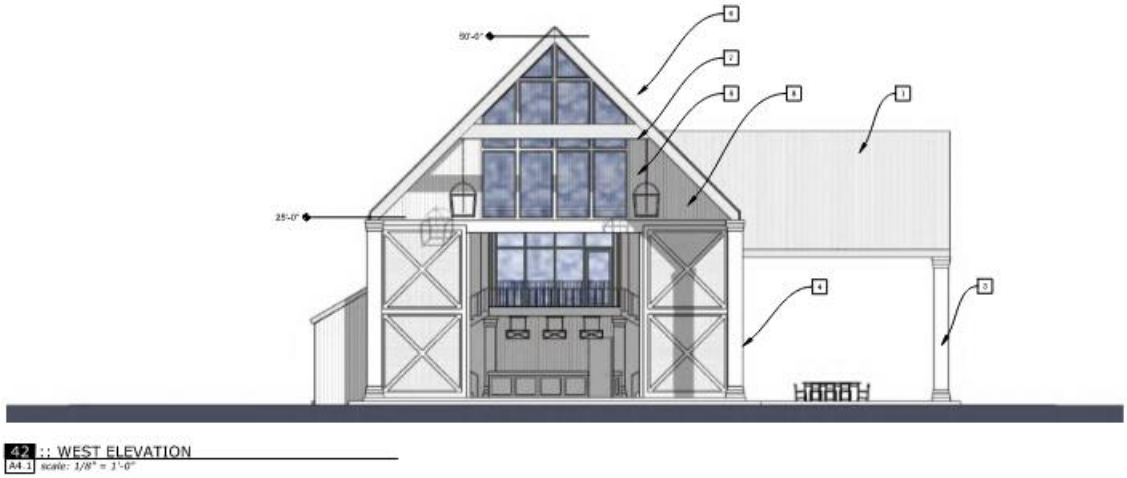


Figure 2: Elevations



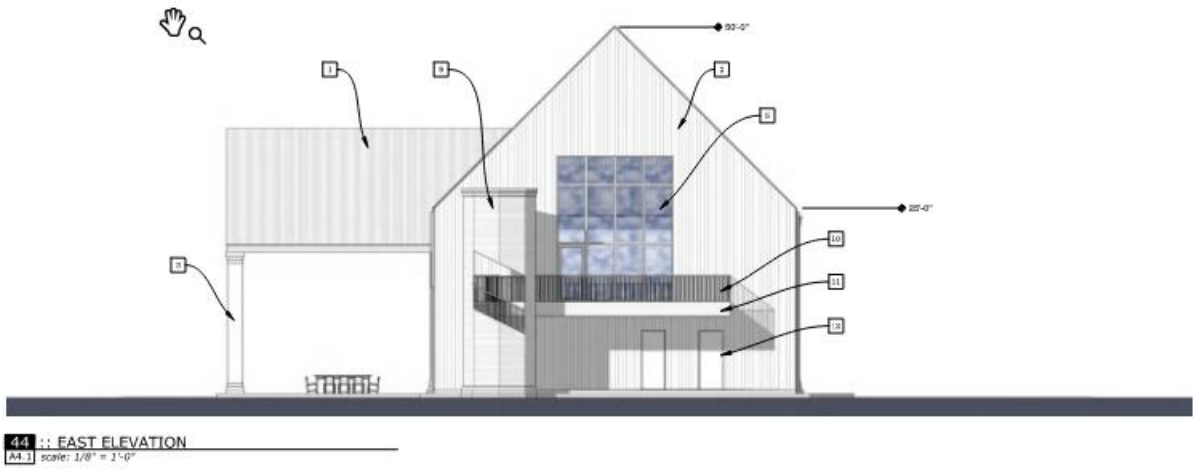
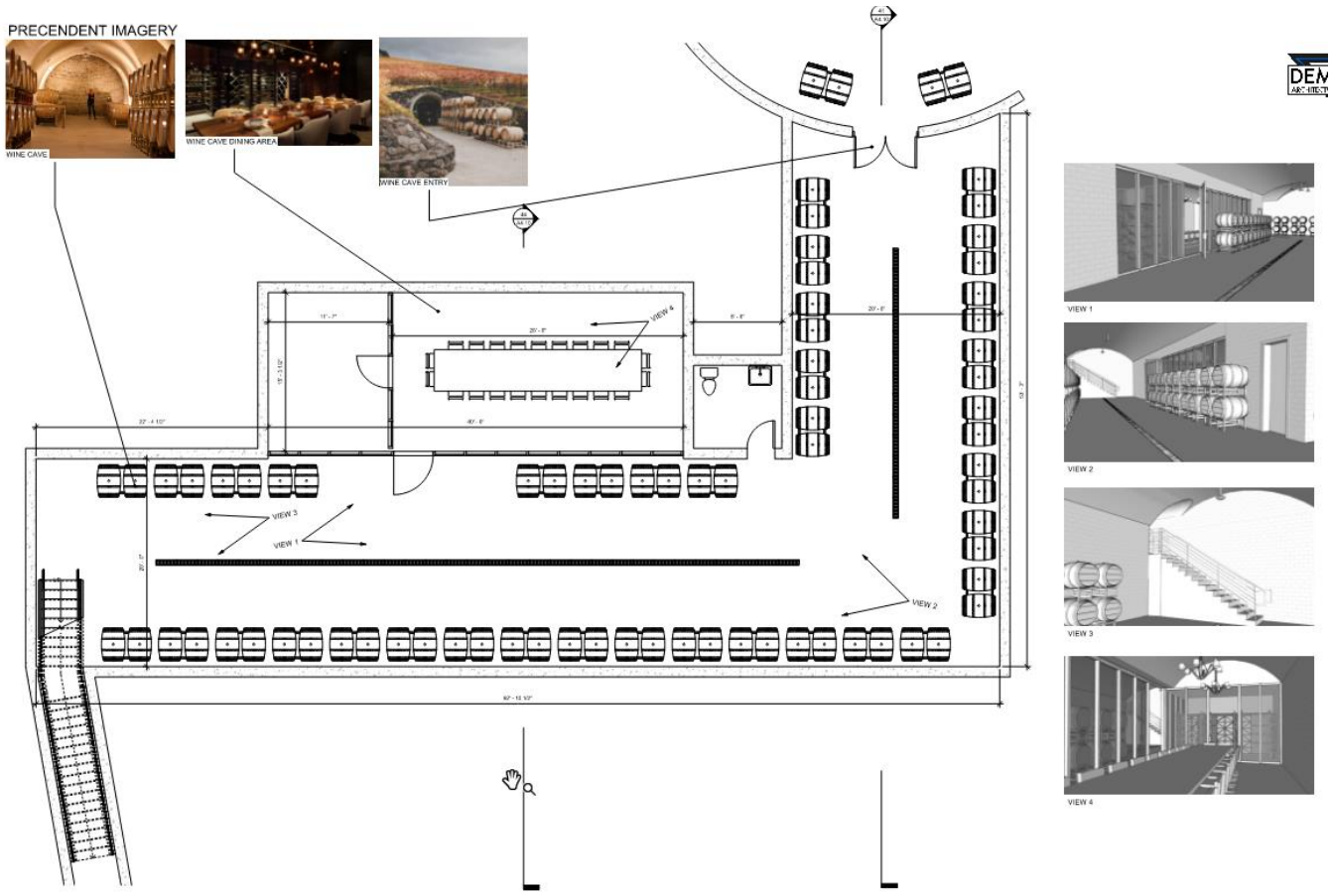


Figure 3: Wine Cave Floor Plan



C. Environmental Analysis

The Initital Study Checklist provides detailed information about the environmental impacts of the proposed project and mitigation measures to lessen the impacts.

Initial Study – Environmental Checklist

I. AESTHETICS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:					
(a)	Have a substantial adverse effect 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?	☐	☐	☒	☐
(c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of 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?	☐	☐	☒	☐
(d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Setting

CEQA establishes that it is the policy of the state to take all action necessary to provide people of the state "with… enjoyment of aesthetic, natural, scenic and historic environmental qualities" (Public Resources Code Section 21001(b)).

A scenic vista is generally defined as a high-quality view displaying good aesthetic and compositional values that can be seen from public viewpoints. Some scenic vistas are officially or informally designated by public agencies or other organizations. A substantial adverse effect on a scenic vista would occur if the project would significantly degrade the scenic landscape as viewed from public 13.s or other public areas. A proposed project's potential effect on a scenic vista is largely dependent upon the degree to which it would complement or contrast with the natural setting, the degree to which it would be noticeable in the existing environment, and whether it detracts from or complements the scenic vista.

California's Scenic Highway Program was created by the State Legislature in 1963 with the intention of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors. There are several officially designated state scenic highways and several eligible state scenic highways within the county. State Route 1 is an Officially Designated State Scenic Highway and All-American Road from the City of San Luis Obispo to the northern San Luis Obispo County boundary. A portion of Nacimiento Lake Drive is

an Officially Designated County Scenic Highway. Portions of Highway 101, Highway 46, Highway 41, Highway 166, and Highway 33 are also classified as Eligible State Scenic Highways – Not Officially Designated.

The County of San Luis Obispo Inland Land Use Ordinance (LUO) establishes regulations for exterior lighting (LUO 22.10.060), height limitations for each land use category (LUO 22.10.090), scenic highway corridor standards (LUO 22.10.095), and other visual resource protection policies. These regulations are intended to help the County achieve its Strategic Growth Principles of preserving scenic natural beauty and fostering distinctive, attractive communities with a strong sense of place as set forth in the County Land Use Element.

The LUO also maps portions of the Salinas River Highway Corridor, the San Luis Obispo Highway Corridor, and the South County Highway Corridor to comply with County highway corridor design standards. These standards include but are not limited to setbacks from highway rights-of-way, guidelines for development along ridgelines, limitations on graded slopes, protection of landmark features, and standards for building height and color (LUO 22.10.095).

The County of San Luis Obispo LUO defines a Sensitive Resource Area (SRA) combining designation that applies to areas having high environmental quality and special ecological or educational significance. These designated areas are considered visual resources by the County and the LUO establishes specific standards for projects located within these areas. These standards include but are not limited to set back distances from public viewpoints, prohibition of development that silhouettes against the sky, grading slope limitations, set back distances from significant rock outcrops, design standards including height limitations and color palette, and landscaping plan requirements.

In addition to policies set forth in the LUO, the County Conservation and Open Space Element (COSE) provides guidelines for the appropriate placement of development so that the natural landscape continues to be the dominant view in rural parts of the county and to ensure the visual character contributes to a robust sense of place in urban areas. The COSE provides a number of goals and policies to protect the visual character and identify of the county while protecting private property rights, such as the identification and protection of community separators (rural-appearing land located between separate, identifiable communities and towns), designation of scenic corridors along public roads and highways throughout the county, retaining existing access to scenic vista points, and setting the standard that new development in urban and village areas shall be consistent with the local character, identify, and sense of place.

The 32.23-acre subject property is within the County's Agricultural land use designation and has an existing vineyard for more than 18 years. The topography of the site is gently sloping with rolling hills and includes one unnamed intermittent stream that traverses the center-right portion of the property, running in a north to south direction. Soil classifications on the property range from Class III to Class IV.

The site is currently developed with approximately 11.5-acres of vineyards and an existing winery located in the western portion of the property. The western portion of the site includes a single-family residence and accessory structures, which are not included in the proposed project.

The subject property is surrounded by parcels ranging in size from 7.7- to 199-acres, which are also in the Agricultural land use designation. The surrounding agricultural uses are primarily vineyards and rotational crops. The nearest adjacent residence is located 980 feet southwest of subject property and is set back approximately 305 feet from the property line. The other three adjacent residences are located from approximately 375 feet to over 1000 feet from the subject property boundary to the north and south. The proposed development would be located at the center of the project site and would be primarily shielded from views along Highway 41 by intervening topography and vegetation.

Discussion

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

The project is located along highway 41, which is a highway that is classified as Eligible State Scenic Highways – Not Officially Designated. It is not located within an identified scenic vista, visually sensitive area, or an area of high scenic quality that would be seen from key public viewpoints. The project would be located in the vicinity of Highway 41, the nearest public road; however, the tasting room and winery facility would not be visible from Highway 4 due to intervening topography and vegetation. The proposed winery and tasting room are not located on a ridgetop and their location is not the highest element when compared to surrounding higher hills, vegetation, and other surrounding agricultural and residential structures.

The County's LUO Section 22.30.070.D.2.g. establishes Winery Design Standards to ensure the project will be visually consistent with the surrounding areas through design/architecture, exterior materials, screening from public roads, building height(s) and lighting. This proposed winery's building design utilizes the barn vernacular, while modernizing it through the use of materials and detailing. The facility's proposed main building is divided into a production/storage area and a tasting room. Building materials are primarily metal and all proposed external lighting is proposed to be shielded and focused downward.

The landscape plan for the proposed winery is designed to reflect an agrarian aesthetic. Upon entering the project site, scattered trees, including oak trees, break up views of the main parking area, while the entry landscape treatment would contain Coffee Berry, Bottle Brush, Italian Buckhorn, and White Toyon. Screening trees and shrubs will also help to obstruct direct views of the winery's production areas. A pedestrian path, wooden trellis, and bocci court are proposed to be placed prior to reaching the entrance of the winery production and tasting room building. An unloading area is proposed to the east of the winery production and tasting room building, and the area behind the building to the north leads to a viewing area, new pedestrian bridge, and a canopy grass field.

LUO Section 22.30.070.D.2.g.2. requires that any tanks located outside of structures shall be screened 100 percent from public roads. The project is in compliance with this requirement since the proposed winery and tasting room would not be visible from public roads.

The project will be visually consistent with the surrounding areas and would be naturally screened from some public views by the existing terrain and foliage and will provide further screening from the nearby residence through use of landscape. The applicant's request for a modification to the ordinance allowing a winery building height of 50 feet will not be discernible from HWY 41 as the winery sits at a lower elevation than the road. Therefore, the project would not have a substantial adverse effect on a scenic vista and *visual impacts would be less than significant.*

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

The project is located within the viewshed of an eligible state scenic highway, however implementation of the project would not result in damage to scenic resources within the viewshed of a state scenic highway due to the project area being at or below highway grade and blocked by vegetation on site. Therefore, impacts would be *less than significant.*

(c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of 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?

The proposed project is located in a rural, agricultural setting. The surrounding visual character consists of a mosaic of vineyards, wineries, and rural residences intermixed with natural grasslands, livestock grazing and oak woodland. Surrounding parcels consist of moderate to large agricultural and rural residential lots. The topography of the project site and surrounding area consists of gently to moderately sloping parcels set in rolling hills. The 32-acre subject property is within the County's Agricultural land use designation and has been an existing vineyard for more than 18 years. The project site includes one unnamed intermittent stream that traverses the center-right portion of the property, running in an north to south direction.

The site is currently developed with 11.5-acres of vineyards located in the western portion of the property. The western portion of the site includes a single-family residence, winery facility and accessory structures, which are not included in the proposed project. The center and eastern portion of the property is maintained and includes herbaceous vegetation with scattered oaks.

The project development would be visible from HWY 41. The winery facility will be located on an area on the property that is lower in elevation than HWY 41 (near the winery entrance). Potential views of the proposed winery and tasting room structures would be blocked by intervening topography and vegetation and therefore, the project will not silhouette against ridgelines. The project would be visually consistent with the type and extent of development in the surrounding area. The project is located along highway 41, which is a highway that is classified as Eligible State Scenic Highways – Not Officially Designated, however as described above, implementation of the project would not result in damage to scenic resources within the viewshed of a state scenic highway due to the project area being at or below highway grade and blocked by vegetation on site. Therefore, the project would not result in a noticeable change to public views of the area or result in the degradation of the existing visual character or quality of public views of the site and its surroundings, and impacts would be *less than significant.*

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

The proposed project includes metallic building materials and plank siding that would be painted to match agricultural development in the vicinity and avoid reflection or glare. The project would generally be consistent with the level of existing development in the project vicinity and does not propose the installation or use of outdoor lighting that would differ substantially from other proximate development or that could be viewed from public vantage points. The County Land Use Ordinance (LUO) Section 22.30.070.D.2.g.4. requires all lighting fixtures be shielded so that neither the lamp nor the related reflector interior surface is visible from any location off the project site. All lighting poles, fixtures, and hoods shall be dark colored. No exterior lighting shall be installed operated in a manner that would throw light, either reflected or directly, in an upward direction. Therefore, the project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area and potential impacts would be *less than significant.*

Conclusion

The project is located along highway 41, which is a highway that is classified as Eligible State Scenic Highways – Not Officially Designated, however implementation of the project would not result in damage to scenic resources within the viewshed of a state scenic highway due to the project area being at or below highway grade and blocked by vegetation on site and would not result in a substantial change to scenic resources in the area. The project would be consistent with existing policies and standards in the County LUO and COSE related to the protection of scenic resources with the exception of the requested winery building height of 50 feet, a modification from the maximum building height of 45 feet. This height modification would not cause the winery to be visible from Highway 41 and would not have a substantial adverse effect on a scenic vista. Therefore, potential impacts to aesthetic resources would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

II. AGRICULTURE AND FORESTRY RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
(a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
(b)	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)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
(e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☒	☐

Setting

The County of San Luis Obispo supports a unique, diverse, and valuable agricultural industry that can be attributed to its Mediterranean climate, fertile soils, and sufficient water supply. Wine grapes are regularly the top agricultural crop in the county. Top value agricultural products in the county also include fruit and nuts, vegetables, field crops, nursery products, and animals. The County of San Luis Obispo Agriculture Element includes policies, goals, objectives, and other requirements that apply to lands designated in the Agriculture land use category. In addition to the Agriculture Element, in accordance with Sections 2272 and 2279 of the California Food and Agriculture Code, the County Agricultural Commissioner releases an annual report on the condition, acreage, production, pest management, and value of agricultural products within the county. The most recent annual crop report can be found here: https://www.slocounty.ca.gov/Departments/Agriculture-Weights-and-Measures/All-Forms-Documents/Information/Crop-Report.aspx.

The project site is within the Agriculture land use category and is occupied by row crops (vineyard), an olive tree grove, and associated single family residence. The proposed project site is surrounded by a mix of winery facilities, vineyards/agricultural, and rural ranch uses. The western portion of the project site includes approximately with 11.5-acres of vineyards currently in active production and historically in grape production since at least 2003. This area is typical of vineyard operations in the region and includes a few native oak trees that are scattered among the vineyard. This habitat designation also includes primary vineyard access road roads and equipment areas.

The USDA Natural Resources Conservation Service (NRCS; Soil Conservation Service, 1977) has identified three soil series mapping units within the project site. Onsite soils are mapped as Arbuckle- Positas complex (102), 9 to 15 percent slopes (Class IV), Nacimiento-Los Osos complex (179), 9 to 30 percent slopes (Class IV), and Arbuckle fine sandy loam (101), 2 to 9 percent slopes (Class III – IV). None of the soils are classified by the NRCS as hydric soils that are typically more likely to support wetlands. The project site soils types are described in more detail as follows:

- The Arbuckle component is a very deep, well-drained soil with moderately low permeability formed in alluvium from mixed rocks. Typically, the surface layer is pale brown fine sandy loam to 10 inches thick.
- The Positas component consists of alluvium from mixed rock sources. Depth to a root restrictive layer, abrupt textural change, is 9 to 20 inches. The natural drainage class is well drained.

- The Nacimiento component is typically found on hills and has parent material that consists of residuum weathered from calcareous shale and/or sandstone and depth to a bedrock is 20 to 40 inches. The natural drainage class is well drained.

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and current land use. For environmental review purposes under CEQA, the FMMP categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land are considered 'agricultural land'. Other non-agricultural designations include Urban and Built-up Land, Other Land, and Water. Based on the FMMP, the Arbuckle fine sany loam soils at the subject site are within the prime farmland if irrigated designation.

The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The subject property is not under a current Williamson Act contract.

According to Public Resources Code Section 12220(g), forest land is defined as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. The project site does not support any forest land or timberland.

Discussion

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

The project site contains land classified as prime farmland if irrigated, pursuant to the FMMP. The project proposes the addition of a winery production and storage building, as well as a tasting room. These uses are compatible with the property's agricultural use. Additionally, the project area is not within the section of the property that is designated as prime farmland if irrigated. Therefore, the project would not result in the loss of prime farmland and *no impacts would occur*.

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

The project site is not located on property currently under a Williamson Act contract. As discussed above, the proposed agricultural processing and winery events are compatible with the property's required agriculture use. Therefore, the project would not result in a conflict with existing zoning for agricultural use or a Williamson Act contract and *no impacts would occur*.

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

The project site is not zoned for forest land, timberland, or Timberland Protection, and is not listed as Private Timberland or Public Land with Forest by the CDFW. The proposed project will not conflict with zoning or cause rezoning of forest land or timberland, therefore *no impacts would occur.*

(d) Result in the loss of forest land or conversion of forest land to non-forest use?

The project site is not zoned for forest land, timberland, or Timberland Protection, and is not listed as Private Timberland or Public Land with Forest by the CDFW. The proposed project will not result in the loss of forest land or convert forest land to non-forest use, therefore *no impact would occur*.

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

Prime farmland is located on the project site in proximity to the areas proposed for development of the winery and agricultural processing. However, areas mapped as Farmland of Statewide Importance would be avoided by project development. The project has determined to be compatible with existing agricultural operations and would not adversely affect existing proximate agricultural uses, agricultural support services, or agricultural infrastructure or resources. The proposed project would not result in the indirect conversion of existing farm or forestland to another use. Therefore, *less than significant impacts would occur.*

Conclusion

The project would not directly or indirectly result in the conversion of farmland, forest land, or timber land to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning or otherwise adversely affect agricultural resources or uses. Potential impacts to agricultural resources would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

III. AIR QUALITY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district 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 applicable air quality plan?	☐	☐	☒	☐
(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?	☐	☒	☐	☐
(c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☐
(d)	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Setting

Regulatory Agencies and Standards

San Luis Obispo County is part of the South Central Coast Air Basin, (SCCAB) which also includes Santa Barbara and Ventura Counties. Air quality within the SCCAB is regulated by several jurisdictions including the U.S. Environmental Protection Agency (EPA), California Air Resources Board (ARB), and the San Luis Obispo County Air Pollution Control District (SLOAPCD). Each of these jurisdictions develops rules, regulations, and policies to attain the goals or directives imposed upon them through legislation. The California ARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA) of 1988. The State Department of Public Health established California Ambient Air Quality Standards (CAAQS) in 1962 to define the maximum amount of a pollutant (averaged over a specified period of time) that can be present without any harmful effects on people or the environment. The California ARB adopted the CAAQS developed by the Department of Public Health in 1969, which had established CAAQS for 10 criteria pollutants: particulate matter (PM_{10} and $PM_{2.5}$), ozone (O_3), nitrogen dioxide (NO_2), sulfate, carbon monoxide (CO), sulfur dioxide (SO_2), visibility reducing particles, lead (Pb), hydrogen sulfide (H_2S), and vinyl chloride.

The Federal Clean Air Act (FCAA) later required the U.S. EPA to establish National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment, and also set deadlines for their attainment. The U.S. EPA has established NAAQS for six criteria pollutants (all of which are also regulated by CAAQS): CO, lead, NO_2, ozone, PM_{10} and $PM_{2.5}$, and SO_2.

California law continues to mandate compliance with CAAQS, which are often more stringent than national standards. However, California law does not require that CAAQS be met by specified dates as is the case

with NAAQS. Rather, it requires incremental progress toward attainment. The SLOAPCD is the agency primarily responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions within the county are maintained.

SLOAPCD Thresholds

The SLOAPCD has developed and updated their CEQA Air Quality Handbook (most recently updated with a November 2017 Clarification Memorandum) to help local agencies evaluate project specific impacts and determine if air quality mitigation measures are needed, or if potentially significant impacts could result.

The APCD has established thresholds for both short-term construction emissions and long-term operational emissions. Use of heavy equipment and earth moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as nitrogen oxides (NOx), reactive organic gases (ROG), greenhouse gases (GHG) and diesel particulate matter (DPM), are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators and other heavy equipment. SLOAPCD has established thresholds of significance for each of these contaminants.

The project would result in approximately 2.4 acres of site disturbance on a 32.23-acre parcel, including 9,250 cubic yards of cut and 750 cubic yards of fill. Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial, and industrial development. Certain types of projects can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (source emissions).

General screening criteria is used by the SLOAPCD to determine the type and scope of air quality assessment required for a particular project (Table 1-1 in the APCD's CEQA Air Quality Handbood). These criteria are based on project size in an urban setting and are designed to identify those projects with the potential to exceed the APCD's significance thresholds. A more refined analysis of air quality impacts specific to a given project is necessary for projects that exceed the screening criteria below or are within ten percent (10%) of exceeding the screening criteria.

Air Quality Monitoring

The county's air quality is measured by a total of 10 ambient air quality monitoring stations, and pollutant levels are measured continuously and averaged each hour, 24 hours a day. The significance of a given pollutant can be evaluated by comparing its atmospheric concentration to state and federal air quality standards. These standards represent allowable atmospheric containment concentrations at which the public health and welfare are protected, and include a factor of safety. The SLOAPCD prepares an Annual Air Quality Report detailing information on air quality monitoring and pollutant trends in the county. The most recent Annual Air Quality Report can be found here: https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/(E-2).pdf.

In the county of San Luis Obispo, ozone and fine particulates (particulate matter of 10 microns in diameter or smaller; PM_{10}) are the pollutants of main concern, since exceedances of state health-based standards for these pollutants are experienced in some areas of the county. Under federal standards, the county has non-attainment status for ozone in eastern San Luis Obispo County.

San Luis Obispo County Clean Air Plan

The SLOAPCD's San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and PM_{10}. The CAP

presents a detailed description of the sources and pollutants which impact the jurisdiction's attainment of state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout the county and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health.

The project would not be within close proximity to any serpentine rock outcrops and/or soil formations which may have the potential to contain naturally occurring asbestos. Therefore, the project site is not within an area identified as having the potential for Naturally Occurring Asbestos (NOA).

Sensitive Receptors

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences.

Rural residences occur on adjacent parcels to the southwest and east of the subject property. The residence to the east is located approximately 1,050 feet from the proposed winery and tasting room. The residence to the south is located approximately 900 feet from the proposed winery and tasting room.

Discussion

(a) *Conflict with or obstruct implementation of the applicable air quality plan?*

The subject project includes existing vineyards and existing site development that includes an existing winery operation. The proposed project consists of the construction of a new winery facility that will include a tasting room, subterrain caves and associated infrastructure and would not result in a new or substantially different use in the project area. The project would not generate a substantial increase in population or employment opportunities and would not result in a significant increase in vehicle trips. Winery special The proposed project would not contribute to the generation of significant levels of any air contaminants upon implementation of the measures discussed below and would not conflict with or obstruct the implementation of the San Luis Obispo County Clean Air Plan or other applicable regional and local planning documents. Therefore, impacts would be *less than significant*.

(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?*

The County is currently designated as non-attainment for ozone and PM_{10} under state ambient air quality standards. Construction of the project would result in emissions of ozone precursors including reactive organic gasses (ROG) and nitrous oxides (NO_X) and fugitive dust emissions (PM_{10}).

Construction Impacts

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. The proposed project is not expected to generate construction emissions in excess of the quarterly thresholds approved by the APCD [Ozone Precursors (ROG + NOx) = 137 lbs. /day or 2.5 tons for projects lasting up to one quarter; Diesel Particulate Matter (DPM) = 7 lbs. /day or 0.13 tons for projects lasting up to one quarter; Fugitive Particulate Matter (PM10) = 2.5 tons for projects lasting up to one quarter]. However, the project has the potential to exceed the daily thresholds for construction emissions.

As proposed, the full project would result in the disturbance of approximately 2.4 acres, which would include 9,250 cubic yards of cut and 750 cubic yards of fill. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions.

The SLOAPCD CEQA Air Quality Handbook provides thresholds of significance for construction related emissions. Table 1 lists SLOAPCD's general thresholds for determining whether a potentially significant impact could occur as a result of a project's construction activities.

Table 1. SLOAPCD Thresholds of Significance for Construction Activities

Pollutant	Threshold (1)		
	Daily	Quarterly Tier 1	Quarterly Tier 2
Diesel Particulate Matter (DPM)	7 lbs	0.13 tons	0.32 tons
Reactive Organic Gases (ROG) + Oxides of Nitrogen (NO_X)	137 lbs	2.5	6.3 tons
Fugitive Particulate Matter (PM_{10}), Dust (2)		2.5 tons (2)	

1. Daily and quarterly emission thresholds are based on the California Health and Safety Code and the CARB Carl Moyer Guidelines.
2. Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5-ton PM_{10} quarterly threshold.

The SLOAPCD CEQA Air Quality Handbook also provides preliminary screening construction emission rates based on the proposed volume of soil to be moved and the anticipated area of disturbance. Table 2 lists the SLOAPCD's screening emission rates that would be generated based on the amount of material to be moved. The APCD's CEQA Handbook also clarifies that any project that would require grading of 4.0 acres or more can exceed the 2.5-ton PM10 quarterly threshold listed above.

Table 2. Screening Emission Rates for Construction Activities

Pollutant	Grams/Cubic Yard of Material Moved	Lbs/Cubic Yard of Material Moved
Diesel Particulate Matter (DPM)	2.2	0.0049
Reactive Organic Gases (ROG)	9.2	0.0203
Oxides of Nitrogen (NO_X)	42.4	0.0935
Fugitive Particulate Matter (PM_{10})	0.75 tons/acre/month of construction activity (assuming 22 days of construction per month)	

Based on estimated cut and fill estimates and the construction emission rates shown in Table 2, construction-related emissions that would result from the project were calculated and are shown in Table 3 below.

Table 3. Proposed Project Estimated Construction Emissions.

Pollutant	Total Estimated Emissions	SLOAPCD Threshold		Daily Threshold Exceeded?	Quarterly Threshold Exceeded?
		Daily	Quarterly (Tier 1)		
ROG + NO_X (combined)	11,223.68 c.y. x .0203 + 11,223.68 c.y. x .0935 = 1,277.25 lbs.	137 pounds	2.5 tons	Yes	Yes
Diesel Particulate Matter (DPM)	11,223.68 c.y. x .0049 = 54.99 lbs.	7 pounds	0.13 tons	Yes	Yes
Fugitive Particulate Matter (PM_{10})	6.3 acres x 0.75 = 4.72 tons		2.5 tons	Yes	Yes

For projects involving construction and/or grading activities, the LUO requires that all surfaces and materials shall be managed to ensure that fugitive dust emissions are adequately controlled to below the 20% opacity limit and to ensure dust is not emitted offsite. The LUO includes a list of primary fugitive dust control measures required for all projects involving grading or site disturbance. The LUO also includes an expanded list of fugitive dust control measures for projects requiring site disturbance of greater than four acres or which are located within 1,000 feet of any sensitive

receptor location. All applicable fugitive dust control measures are required to be shown on grading and building plans and monitored by a designated monitor to minimize dust complaints, reduce visible emissions below the 20% opacity limit, and to prevent transport of dust offsite (LUO 22.52.160.C).

The California Code of Regulations (Section 2485 of Title 13) also prohibits idling in excess of 5 minutes from any diesel-fueled commercial motor vehicles with gross vehicular weight ratings of 10,000 pounds or more or that must be licensed for operation on highways.

As shown above, the project would exceed APCD's construction emissions thresholds for DPM, PM_{10}, and ROG + NO_x. As such, the project's construction activities would result in daily short-term emissions from heavy equipment and motor vehicles, as well as fugitive dust (PM_{10}) emissions that could affect localized air quality. As such, impacts related to construction emissions are considered *significant but mitigable*.

Operational Impacts

The SLOAPCD's CEQA Air Quality Handbook provides operational screening criteria to identify projects with the potential to exceed APCD operational significance thresholds (refer to Table 1-1 of the CEQA Handbook). Based on the updated Table 1-1 of the CEQA Handbook, the project does not propose a use that would have the potential to result in operational emissions that would exceed APCD thresholds (no operational screening criteria is offered for agricultural uses). Therefore, potential operational emissions would be *less than significant*.

(c) Expose sensitive receptors to substantial pollutant concentrations?

As described above in response to (b), the project has the potential to generate daily emissions resulting in a significant mitigable impact but would not generate significant operational emissions. Operational emissions would not substantially increase and implementation of standard LUO standards for dust control and compliance with existing regulations that prohibit excessive idling by diesel vehicles would reduce potential construction related emissions. With the implementation of the mitigation measures required for item (b) the project would not expose sensitive receptors to substantial pollutant concentrations and impacts would be *less than significant.*

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

Construction could generate odors from heavy diesel machinery, equipment, and/or materials. The generation of odors during the construction period would be temporary, would be consistent with odors commonly associated with construction, and would dissipate within a short distance from the active work area. No long-term operational odors would be generated by the project.

With respect to project operations, water and solids (e.g. grape pomace) from wineries could create objectionable odors. Specifically, the wastes are typically high in biodegradable organic matter and enough water is typically present to allow aerobic biological treatment (when sufficient oxygen is present) and anaerobic treatment (when oxygen concentrations are limited). Though both aerobic and anaerobic treatment can generate odors, most people find the odor associated with the anaerobic process to be more offensive.

Based on the project's location in a rural agricultural area with agricultural zoning, and the limited number of nearby receptors, the project would not create objectionable odors affecting a substantial number of people, and the impact would be *less than significant*.

Conclusion

The project would be consistent with the SLOAPCD's Clean Air Plan and thresholds for construction-related and operational emissions. However, the project has the potential to result in daily construction related emissions resulting in a significant but mitigable impact. The project would not result in cumulatively considerable emissions of any criteria pollutant for which the County is in non-attainment and would not expose sensitive receptors to substantial pollutant concentrations or result in other emissions adversely affecting a substantial number of people. Therefore, potential impacts to air quality would be less than significant with the implementation of the measures listed below.

Mitigation

AQ-1. To mitigate fugitive dust emissions related to project construction, the following shall be implemented:

a. Reduce the amount of the disturbed area where possible;

b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;

c. All dirt stock pile areas should be sprayed daily as needed;

d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;

e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;

f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;

g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;

j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;

k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;

l. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and

m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

AQ-2. The required mitigation measures for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment are listed below:

a. Maintain all construction equipment in proper tune according to manufacturer's specifications;

b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle

c. diesel fuel (non-taxed version suitable for use off-road);

d. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation;

e. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;

f. Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;

g. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;

h. Diesel idling within 1,000 feet of sensitive receptors is not permitted;

i. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;

j. Electrify equipment when feasible;

k. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,

l. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

IV. BIOLOGICAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
(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 Game or US Fish and Wildlife Service?	☐	☐	☒	☐
(c)	Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
(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?	☐	☒	☐	☐
(e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
(f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☒	☐	☐

Setting

Sensitive Resource Area Designations The County of San Luis Obispo Land Use Ordinance (LUO) Sensitive Resource Area (SRA) combining designation applies to areas of the county with special environmental

qualities, or areas containing unique or sensitive endangered vegetation or habitat resources. The combining designation standards established in the LUO require that proposed uses be designed with consideration of the identified sensitive resources and the need for their protection.

Federal and State Endangered Species Acts

The Federal Endangered Species Act of 1973 (FESA) provides legislation to protect federally listed plant and animal species. The California Endangered Species Act of 1984 (CESA) ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened, and also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, the CDFW has the authority to review projects for their potential to impact special-status species and their habitats.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) protects all migratory birds, including their eggs, nests, and feathers. The MBTA was originally drafted to put an end to the commercial trade in bird feathers, popular in the latter part of the 1800s. The MBTA is enforced by the U.S. Fish and Wildlife Service (USFWS), and potential impacts to species protected under the MBTA are evaluated by the USFWS in consultation with other federal agencies and are required to be evaluated under CEQA.

Oak Woodland Ordinance

The County of San Luis Obispo Oak Woodland Ordinance was adopted in April 2017 to regulate the clear-cutting of oak woodlands. This ordinance applies to sites located outside of Urban or Village areas within the inland portions of the county (not within the Coastal Zone). "Clear-cutting" is defined as the removal of one acre or more of contiguous trees within an oak woodland from a site or portion of a site for any reason, including harvesting of wood, or to enable the conversion of land to other land uses. "Oak woodland" includes the following species: Blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), interior live oak (*Quercus wislizeni*), valley oak (*Quercus labata*), and California black oak (*Quercus kelloggii*). The ordinance applies to clear-cutting of oak woodland only and does not apply to the removal of other species of trees, individual oak trees (except for Heritage Oaks), or the thinning, tree trimming, or removal of oak woodland trees that are diseased, dead, or creating a hazardous condition. Heritage oaks are any individual oak species, as defined in the Oak Woodland Ordinance, of 48 inches diameter at breast height (dbh) or greater, separated from all Stands and Oak Woodlands by at least 500 feet. Minor Use Permit approval is required to remove any Heritage Oak. The project site does support oak woodland or Heritage Oaks.

Clean Water Act and State Porter Cologne Water Quality Control Act

The U.S. Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into waters of the United States. These waters include wetland and non-wetland water bodies that meet specific criteria. USACE jurisdiction regulates almost all work in, over, and under waters listed as "navigable waters of the U.S." that results in a discharge of dredged or fill material within USACE regulatory jurisdiction, pursuant to Section 404 of the Clean Water Act (CWA). Under Section 404, USACE regulates traditional navigable waters, wetlands adjacent to traditional navigable waters, relatively permanent non-navigable tributaries that have a continuous flow at least seasonally (typically 3 months), and wetlands that directly abut relatively permanent tributaries.

The State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) regulate discharges of fill and dredged material in California, under Section 401 of the CWA and

the State Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State. Based on the U.S. Fish and Wildlife Service National Wetlands Inventory, the project site contains a riverine, but does not support wetlands, riparian or deep-water habitats (USFWS 2022).

Conservation and Open Space Element

The intent of the goals, policies, and implementation strategies in the COSE is to identify and protect biological resources that are a critical component of the county's environmental, social, and economic well-being. Biological resources include major ecosystems; threatened, rare, and endangered species and their habitats; native trees and vegetation; creeks and riparian areas; wetlands; fisheries; and marine resources. Individual species, habitat areas, ecosystems and migration patterns must be considered together in order to sustain biological resources. The COSE identifies Critical Habitat areas for sensitive species including California condor, California red legged frog, vernal pool fairy shrimp, La Graciosa thistle, Morro Bay kangaroo rat, Morro shoulderband snail, tiger salamander, and western snowy plover. The COSE also identifies features of particular importance to wildlife for movement corridors such as riparian corridors, shorelines of the coast and bay, and ridgelines.

The proposed project site is surrounded by a mix of winery facilities, vineyards and agricultural production, and rural ranch uses. Review of available aerial photography shows that a large portion of the project site has been in active vineyard cultivation going back to at least 2003. Much of the central and east portion of the site is disked (plowed) and/or mowed and contains no structures. Oak trees primarily line Highway 41, which borders the southern portion of the site, and are scattered elsewhere on the property, including the vineyard and eastern portion of the site. Please refer to the setting discussion under Section II, Agriculture and Forestry Resources, for a detailed description of on-site soils.

Habitat Types and Plant Communities

Blue Oak Woodland and Forest

The project site supports 3.65 acres of Blue oak woodland which is mostly associated with the southern portion of the site that borders Highway 41. These corridors generally extend beyond the top-of-bank (TOB) that is not disked or plowed, and as such represents the most undisturbed native habitat within the Study Area. The majority of Blue oaks (*Quercus douglassii*) on the property are mature. Understory within these areas is comprised of non-native annual grassland and vineyard as described below.

Developed / Ruderal

Developed / ruderal comprises 1.2 acres of the Study Area and is mostly associated with the residence and developed land to the west of the site. Scattered oaks and non-native landscaping shrubs, ash trees, sycamore trees, and olive trees are scattered around the buildings on-site.

Disturbed Annual Grassland

The disturbed non-native annual grassland habitat, or semi-natural annual brome grassland alliance (CNPS: 42.026.00), is typically dominated by non-native annual grasses and herbaceous broadleaf plant species, along with native forbs and wildflowers. Annual grassland habitat occurs as patches of habitat and within the understory of the on-site blue oak woodland. This habitat covers approximately 9.3 acres of the project site and is mowed and/or disked.

Non-native annual grassland typically observed are slender wild oats (*Avena barbata),* soft chess (*Bromus hordeaceus),* ripgut brome *(B. diandrus),* vetch (*Vicia sativa*), and rattail fescue (*Festuca myuros*). Other common non-native forbs include mustards (*Hirschfeldia; Brassica),* fillarees *(Erodium cicutarium, E. botrys),* prickly lettuce (*Lactuca serriola)*, yellow-star thistle (*Centaurea solstitialis*), and morning glory (*Convolvulus arvensis*). Native herbaceous species expected to occur in low abundance include species such as sky lupine (*Lupinus nanus*), California poppy (Eschscholzia californica), narrow leaf milkweed (*Asclepia fascicularis*), and clustered tarweed (*Deinandra fasciculata*).

Vineyard

Approximately 11.5-acres of vineyards and 1.2-acres of olive grove are located in the western portion of the Study Area and have been in operation since at least 2003. This area is typical of vineyard operations in the region and includes a few blue oak trees that are scattered among the vineyard. This habitat designation also includes primary vineyard access roads and equipment areas.

Special Status Botanical Resources

A search of the California Natural Diversity Database (CNDDB) revealed the recorded occurrences of 4 special-status plant species within a four-mile radius of the project site, including Shining Navarretia, Dwarf Calycadenia, Spreading Navarretia, and La Panza Mariposa-Lily. None of these species are formally listed as rare, threatened or endangered. The CNPS rankings for these species ranges from 2B.2 to 1B.1, suggesting regional or statewide rarity.

The special-status plant species occurrences recorded in the CNDDB are commonly associated with a specific soil type, native undisturbed habitat, moisture regime (e.g. wetland), and/or elevation range that dictates the range or microhabitat of the species. Additionally, the documented long-term cultivation and/or maintenance of the site significantly reduces the establishment of any native habitat to support the special-status plant species recorded in the region.

Special-status plants recorded in the CNDDB associated with serpentine or specialized soils that are not expected to occur on the project site include Mile's milk-vetch (*Astragalus didymocarpus* var. *milesianus*), La Panza mariposa lilies (*Calochortus obispoensis; C. simulans*), Lemmon's jewelflower *(Caulanthus lemmonii),* Eastwood's larkspur (*Delphinium parryi ssp. Eastwoodiae),* yellow flowered eriastrum (*Eriastrum luteum*), and woodland wollythreads (*Monolopia gracilens*). The closest occurrence of the La Panza Mariposa Lily is 0.315 southwest of the project site.

The special-status plant species known for moist/wetland type habitats occurring in the region are the shining navarretia (*Navarretia nigeliformis* ssp. *radians),* Jared's pepper- grass (*Lepidium jaredii* ssp. *jaredii*), oval-leaved snapdragon (*Antirrhinum ovatum*), spreading navarretia (*Navarretia fossalis*), and Santa Lucia dwarf rush (*Juncus luciensis*). The closest occurrence of spreading navarretia is 1.1 miles east of the project site. No mesic/moist/wetland habitats occur on the project site therefore, these species are not expected to occur.

Only marginal habitat within unmaintained grassland areas have the potential to support status species such as the dwarf calycadenia (*Calcadenia villosa*) and San Luis Obispo owl's-clover (*Castilleja densiflora* var. *obispoensis*). The closest occurrence of dwarf calycadenia is northeast and 1.1 miles east of the project site.

Special Status Wildlife

Aquatic Species

The CNDDB has recorded occurrences for the San Joaquin Kit Fox, tricolored blackbird, and western spadefoot toad and the vernal pool fairy shrimp within the four-mile search range.

The vernal pool fairy shrimp and western spadefoot are closely associated with vernal pools or temporary pond/puddle habitats that are not subject to flowing water. No vernal pools or temporary pond/puddle habitats are indicated on the review of multiple years of aerial photography.

Insects

The Lompoc grasshopper (*Trimerotropis occulens*) is mostly associated with sandy soils in grassland, coastal scrub or chaparral habitats. No such habitat is expected to occur on site but the Study Area is 3.8 miles from a CNDDB unspecified location record for this species from a 1967 collection. The Atascadero June beetle (*Polyphylla nubila*) is known only from inland sand dunes that are not present on the project site and would not occur. The Crotch bumble bee (*Bombus crotchii*) ranges throughout California to Baja typically found in wildflower rich grasslands and shrublands. The project site is not wildflower rich and supports only scattered marginal habitat for this species in non-maintained areas.

Reptiles

The northern California legless lizard and coast horned lizard require undisturbed native habitats with suitable prey (insects/ants,) that do not occur on the cultivated/developed project site. As such, they are not expected to occur.

Fish

Monterey Hitch is a species most often found in slow warm water, including lakes and quiet stretches of rivers. Hitch are sometimes found in cool and clear, low-gradient streams, hiding among aquatic vegetation in sandy runs or pools. The Study Area is outside the currently known range for this species and no suitable stream habitat is located on-site.

Birds

The CNDDB includes occurrences for wide-ranging resident and migratory bird species known from the region of the project site. The tricolored blackbird is locally nomadic but requires bulrush and cattail marsh or ponds for breeding that are not expected to be present on the project site. The least Bell's vireo is a breeding season migrant from the Salinas River that requires dense riparian habitat that does not occur on the project site. As such, the project site is not expected to support suitable habitat for these two species.

The wide ranging locally nomadic and migrant raptors listed in the CNDDB have the potential to use the site for occasional foraging habitat. This includes the golden eagle, ferruginous hawk (winter migrant), Swainson's hawk (breeding migrant), and prairie falcon. The Study Area site supports potential limited foraging and/or nesting opportunities for these wide-ranging species, as well as other more common raptors such as red-tailed hawk, red- shouldered hawk, barn owl, and great-horned owl.

Mammals

The American badger, Salinas pocket mouse, and Nelson's antelope squirrel are typically found in grasslands with friable soils for digging burrows. The site is northwest of the currently accepted range for the American badger and Salinas pocket mouse (CNDDB occurrences are dated 1947 and an unknown date, respectively). The cultivated and developed areas of the site are not expected to support suitable habitat for

any of these mammal species. Limited potential suitable habitat for American badger is located within the disturbed annual grassland areas and along the edges of the oak woodland.

The pallid bat may occupy a variety of woodland, forest, and shrubland habitats. This species is highly sensitive to disturbance and typically roosts in rocky areas. No expected suitable habitat is located onsite for this species.

San Joaquin Kit Fox Habitat Evaluation

San Joaquin kit fox (Vulpes macrotis mutica) is a Federal Endangered and State Threatened species. San Joaquin kit fox (SJKF) is endemic to the San Joaquin Valley and adjacent arid valleys of central California. Highly suitable habits for kit fox are characterized by sparsely vegetated saltbush scrublands and grasslands dominated by red brome (Bromus madritensis) on flat or gently rolling terrain (Brown et al. 2019). The three remaining core populations of SJKF are in 1) Carrizo Plain Natural Area in San Luis Obispo County; 2) natural lands of western Kern County; and 3) the Ciervo-Panoche Natural Area of western Fresno and eastern San Benito Counties (USFWS 1998). The kit fox is adapted to arid climates and primarily preys on small mammals and invertebrates. Kit foxes extensively use dens for protection from the elements, predators, and rearing pups. Mating occurs between December and March and pups are born after a 48 to 52-day gestation period. The pups are reared in the den and begin to emerge approximately one month after birth, and most disperse by August. Kit foxes are primarily nocturnal but may be observed during the day, basking outside the den entrance or taking short excursions. Kit Foxes excavate their own dens, enlarge burros of other species, such as giant kangaroo rats, or den in manmade features, such as culverts. They occupy numerous den sites throughout the year. Many factors have contributed to the decline of San Joaquin kit fox. By the 1950's, loss, degradation, and fragmentation of habitats in the San Joaquin Valley were the primary factors of decline. Many of other sources of mortality pose a threat to maintaining viable populations of this species, including disease, parasites, predation, and many human-induced factors such as shooting, trapping, poisoning, electrocution, and vehicle strikes (Brown et al. 2019).

The project is potentially within an area known to support the SJKF, as some agricultural areas may support these foxes. According to CNDDB (CDFW 2022), the nearest observation of SJKF was approximately 2.5 miles east of the project site (a sighting, road kill, or den prior to 1972), and another observation of SJKF was approximately 10.5 miles southeast of the project site (individual of unknown age observed in 2002). There are no known extant populations of SJKF in the project vicinity.

The project parcel is located within a 1:1 SJKF mitigation area, which requires that all impacts to kit fox habitat be mitigated at a ratio of 1 acres conserved for each acre impacts (1:1). The project will result in the 2.4 acres of site disturbance of kit fox habitat. A total compensatory mitigation required for the project is 2.4 acres, based on 1 times 2.4 acres. The fee, payable to "The Nature Conservancy," would total: $6,000 (2.4 x 1 x $2,500). This fee is calculated based on the current cost-per-unit of $2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; actual cost may increase depending on the timing of payment. This is an estimate and is based on the preliminary site plans. A subsequent and final letter, which may include revised scoring and mitigation requirements, will be issued by CDFW after the CEQA document for the project is finalized. The impacted areas of kit fox habitat are subject to change during the construction permit process when the final site plans are prepared and submitted to the County. A reduction in the impacted acres would not result in additional impacts to kit fox habitat, and any substantial increase to the estimated impacted acres of kit fox habitat could potentially require additional environmental analysis. Changes to the number of impacted acres will require coordination with CDFW.

The mitigation options identified in BIO-1 through BIO-11 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

Mitigation is proposed to ensure impacts would be less than significant (BR-1 thru BR-12). These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table.

Waters of the U.S., Wetlands, and Waters of the State

The project parcel includes one unnamed blue-line stream that potentially represent jurisdictional waters of the U.S./State. Historic aerial review indicates this blue line stream at least partially fills on a seasonal basis. Based on the project site plans, no new structures are proposed within this creek, and existing road crossings would be utilized to access the proposed Winery Site. As such, there are no Section 404/401 permits required from the Army Corps of Engineers (Corps) or Regional Water Quality Control Board (RWQCB), and there is no Section 1600 Streambed Alteration Agreement (SAA) required from the CDFW.

Discussion

(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 Game or U.S. Fish and Wildlife Service?*

The proposed project would result in permanent impacts to approximately 2.4 acres of highly disturbed non-native annual grassland in the location of the proposed winery facility and related facilities. The proposed disturbance areas is not expected to support any native plant communities and would provide minimal habitat for locally common wildlife accustomed to agricultural or mowed/disked grasslands. No impacts to trees are proposed, and retention of the trees along the periphery of the project site would continue to provide nesting, foraging, and roosting habitat for resident and migratory birds as well as other common wildlife species.

No special-status plant or wildlife species are expected to occur on the project site as there is no suitable habitat for any of these species. Vegetation removal (clearing and grubbing) during the nesting season for birds could result in the destruction of active bird's nests, including ground-nesting birds. Even unintended destruction of active nests is prohibited by the Fish and Game Code of California Sections 3503 and 3503.1 (raptors specifically). As such, this is considered a potentially significant impact requiring mitigation to avoid take or destruction of active nests in order to reduce this potentially significant impact to a less than significant level. T

Although there is no formally-listed special-status plant or wildlife species habitat present on the site, impacts on general biological resources (i.e., SJKF) are considered to be *significant but mitigable*.

(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 Game or US Fish and Wildlife Service?*

Although the project site supports a mapped blue line creek, no riparian vegetation or other sensitive natural communities within or immediately adjacent to the proposed areas of disturbance were indicated on the review of multiple years of aerial photography. Therefore, the project would not result in impacts to riparian habitat or other sensitive natural communities and *less than significant impacts would occur.*

(c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The project parcel includes one unnamed blue-line stream that potentially represent jurisdictional waters of the U.S./State. Historic aerial review indicates this stream at least partially fills on a seasonal basis. Based on the project site plans, no new structures are proposed within this creek, and existing road crossings would be utilized to access the proposed Winery Site. With the avoidance of jurisdictional waters under the proposed project, impacts are considered less than significant and jurisdictional agency permitting is not required.

(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?

The CNDDB includes occurrences for wide-ranging resident and migratory bird species known from the region of the project site. The tricolored blackbird is locally nomadic but requires bulrush and cattail marsh or ponds for breeding that are not present on the project site. The least Bell's vireo is a breeding season migrant from the Salinas River that requires dense riparian habitat that does not occur on the project site. As such, the project site does not support suitable habitat for these two species.

The wide ranging locally nomadic and migrant raptors listed in the CNDDB have the potential to use the site for occasional foraging habitat. This includes the golden eagle, ferruginous hawk (winter migrant), Swainson's hawk (breeding migrant), and prairie falcon. The Study Area site supports potential limited foraging and/or nesting opportunities for these wide-ranging species, as well as other more common raptors such as red-tailed hawk, red- shouldered hawk, barn owl, and great-horned owl. Vegetation removal (clearing and grubbing) during the nesting season for birds could result in the destruction of active bird's nests, including ground-nesting birds. Even unintended destruction of active nests is prohibited by the Fish and Game Code of California Sections 3503 and 3503.1 (raptors specifically). As such, this is considered a *significant but mitigable* impact.

(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The project would not adversely affect sensitive habitats or resources identified in the COSE or native tree species protected under the County Oak Woodland Ordinance. Therefore, this is considered *less than significant*.

The proposed area of disturbance does not support any other sensitive resources that are protected by local policies and plans.

(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The project is not located within an area under an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The project is within areas identified as critical habitat or within the County's San Joaquin Kit Fox standard mitigation ratio area (County of San Luis Obispo 2007). Please refer to the impact discussion above under Item (e) for more detail on SJKF impacts. As such, the project would result in *significant but mitigable* impacts related to the County's SJKF conservation plan.

Conclusion

Upon implementation of mitigation measures BR-1 through BR-3, impacts to biological resources would be less than significant.

Mitigation

BIO-1. Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo that states that one or a combination of the following three San Joaquin kit fox compensatory mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 2.4 acres (2.4 acres of development multiplied by 1 as a result of an applied 1:1 mitigation ratio) of suitable habitat in the kit fox corridor area (e.g. either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife and the County. This mitigation alternative (a.) requires that all aspects if this program must be in place before County-permit issuance or initiation of any ground disturbing activities.

b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Mitigation alternative (b) above can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the CDFW and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy," would total: $6,000 (2.4 x 1 x $2,500). This fee is calculated based on the current cost-per-unit of $2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; actual cost may increase depending on the timing of payment. This fee must be paid after the CDFW provides written notification about your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Mitigation alternative (c) above can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, would total: $6,000 (2.4 x 1 x $2,500).

   This fee is calculated based on the current cost-per-credit of $2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

BIO-2 **Prior to issuance of grading and/or construction permits,** the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

d. In addition, the qualified biologist shall implement the following measures:
   1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
      a) Potential kit fox den: 50 feet
      b) Known or active kit fox den: 100 feet
      c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

BIO-3 **Prior to issuance of grading and/or construction permits,** the applicant shall clearly delineate as a note on the project plans, that: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction. In addition, prior to permit issuance and initiation of any ground disturbing activities, conditions BR-3 through BR-10 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BIO-4 **During the site disturbance and/or construction phase,** grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BIO-5 **Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BIO-6 **During the site-disturbance and/or construction phase**, any pipes, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BIO-7 **During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BIO-8 **During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BIO-9 **Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BIO-10 **During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

BIO-11 Vegetation removal and initial site disturbance shall be conducted between September 1st and January 31st outside of the nesting season for birds. If vegetation and/or tree removal is planned for the bird nesting season (February 1st to August 31st), then preconstruction nesting bird surveys shall be conducted by a qualified biologist and submitted to the County Planning and Building Department prior to ground disturbance activities to determine if any active nests would be impacted by project construction. If no active nests are found, then no further mitigation shall be required.

If any active nests are found that would be impacted by construction, then the nest sites shall be avoided with the establishment of a non-disturbance buffer zone around active nests as determined by a qualified biologist. During all ground disturbing activities, nest sites shall be avoided and protected with the non-disturbance buffer zone until the adults and young of the year are no longer reliant on the nest site for survival as determined by a qualified biologist.

V. CULTURAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	☐	☐	☐	☒
(b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☒	☐
(c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

Initial Study – Environmental Checklist

Setting

San Luis Obispo County possesses a rich and diverse cultural heritage and therefore has a wealth of historic and prehistoric resources, including sites and buildings associated with Native American inhabitation, Spanish missionaries, and immigrant settlers.

As defined by CEQA, a historical resource includes:

1. A resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR).
2. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant. The architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural records of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence.

The County of San Luis Obispo LUO Historic Site (H) combining designation is applied to areas of the county to recognize the importance of archeological and historic sites and/or structures important to local, state, or national history. Standards are included regarding minimum parcel size and permit processing requirements for parcels with an established structure and Historic Site combining designation. For example, all new structures and uses within an H combining designation require Minor Use Permit approval, and applications for such projects are required to include a description of measures proposed to protect the historic resource identified by the Land Use Element (LUO 22.14.080).

San Luis Obispo County was historically occupied by two Native American tribes: the northernmost subdivision of the Chumash, the Obispeño (after Mission San Luis Obispo de Tolosa), and the Salinan. However, the precise location of the boundary between the Chumashan-speaking Obispeño Chumash and their northern neighbors, the Hokan-speaking Playanos Salinan, is not known, as those boundaries may have changed over time.

The COSE identifies and maps anticipated culturally sensitive areas and historic resources within the county and establishes goals, policies, and implementation strategies to identify and protect areas, sites, and buildings having architectural, historical, Native American, or cultural significance. Based on the COSE, the project is not located in a designated Archaeological Sensitive Area or Historic Site.

In order to monitor all earth-disturbing activities for potentially sensitive cultural resources, a County-approved archaeologist should be retained by the applicant. The project study area is situated northwest of Creston on a series of gently sloping hills. The project site is situated between two unnamed blue line creeks, one approximately 210 feet west of the parcel and one lining the east border of the parcel. Another unnamed blue line creek runs north to south in the center of the property, outside of the project site area. The project area is within an agricultural environment, with roads, infrastructure, vineyards, and development defining all margins of the study area boundaries.

On-site soils include Arbuckle- Positas complex (102), 9 to 15 percent slopes (Class IV), Nacimiento-Los Osos complex (179), 9 to 30 percent slopes (Class IV), and Arbuckle fine sandy loam (101), 2 to 9 percent slopes (Class III – IV). On site vegetation is characterized predominately as agricultural and herbaceous, with several mature oaks (*Quercus lobata*) located on the parcel.

A Cultural Resources Survey and Impact Assessment was conducted for the project site in August 2022 (Cultural Resource Management Services). The assessment and field survey found no prehistoric or historic

archeological deposits, such as flake tool manufacture debris or a midden within the area and no known or suspected resources will be adversely affected by developments on site.

The archival research with the Central Coast Information Center (CCIC) database completed as part of the project cultural resources survey, including the intensive archaeological survey of the Ella's Vineyards Project site identified no cultural resources. The current survey thus confirms the records search conducted at the CCIC, and the previous archaeological studies in the vicinity that found no evidence of archaeological material in the same environmental context.

Many important cultural resources, such as Tribal Cultural Resources, do not necessarily leave an archaeological footprint or have physically identifiable manifestations. It is therefore vital to seek out the possibility of these important resources and their locations through consultation with Salinan and Chumash tribal members. Under the authority of AB 52, the County has contacted the Native American Heritage Commission (NAHC) to obtain a list of regional tribal representatives. The County sent out invitations to consult on the proposed project to the identified tribal representatives on 7/14/2022. As a result of the required tribal consultation invitations, email responses were received from a Salinan tribal administrator and a Yak Tityu Tityu tribal representative. As a result of these responses, a phase I archeological study was required of this project.

In the unlikely event that buried cultural materials are encountered during construction, the County requires that all ground disturbances will cease until a qualified archaeologist is contacted to evaluate the nature, integrity, and significance of the deposit.

Discussion

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

Based on the results of the archaeological survey, the project site does not contain any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. The project site does not contain a site under the Historic Site (H) combining designation and does not contain other structures of historic age (50 years or older) that could be potentially significant as a historical resource. Therefore, the project would not result in an adverse change in the significance of a historical resources and *no impacts would occur.*

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

The CCIC records search, Native American Heritage Commission (NAHC) coordination, and field survey associated with the project archaeological survey did not identify the presence of archaeological resources within or adjacent to the project area. As defined by CEQA, no historical resources or unique archaeological resources were identified within the project area and no further archaeological study is recommended at this time.

In the unlikely event that resources are uncovered during grading activities, implementation of LUO 22.10.040 (Archaeological Resources) would be required. This section requires that in the event archaeological resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department must be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law.

Therefore, impacts related to a substantial adverse change in the significance of archaeological resources would be *less than significant*.

(c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Based on existing conditions, buried human remains are not expected to be present in the site area. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 and LUO 22.10.040 (Archaeological Resources) require that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and County LUO, impacts related to the unanticipated disturbance of archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant.*

Conclusion

No archaeological or historical resources are known or expected to occur within or adjacent to the project site. In the event unanticipated sensitive archaeological resources or human remains are discovered during project construction activities, adherence with County LUO standards and State Health and Safety Code procedures would reduce potential impacts to less than significant; therefore, potential impacts to cultural resources would be less than significant and no mitigation measures are necessary.

Mitigation

Not necessary.

VI. ENERGY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
(b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

Setting

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. Approximately 33% of electricity provided by PG&E is sourced from renewable resources and an additional 45% is sourced from greenhouse gas-free resources (PG&E 2017).

Initial Study – Environmental Checklist

The County COSE establishes goals and policies that aim to reduce vehicle miles traveled, conserve water, increase energy efficiency and the use of renewable energy, and reduce greenhouse gas emissions. The COSE provides the basis and direction for the development of the County's EnergyWise Plan (EWP), which outlines in greater detail the County's strategy to reduce government and community-wide greenhouse gas emissions through a number of goals, measures, and actions, including energy efficiency and development and use of renewable energy resources.

In 2010, the EWP established a goal to reduce community-wide greenhouse gas emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to "[a]ddress future energy needs through increased conservation and efficiency in all sectors" and "[i]ncrease the production of renewable energy from small-scale and commercial-scale renewable energy installations to account for 10% of local energy use by 2020." In addition, the County has published an EnergyWise Plan 2016 Update to summarize progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory (2006).

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the *2019 Building Energy Efficiency Standards*. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements.

The County LUO includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on environmentally costly energy sources. This designation is intended to identify areas of the county where renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities (SEFs). The LUO establishes criteria for project eligibility, required application content for SEFs proposed within this designation, permit requirements, and development standards (LUO 22.14.100).

The project is located within the Renewable Energy Overlay combining designation.

Discussion

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

Project implementation would require minimal consumption of energy resources. During construction, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary and would not represent a significant or wasteful demand on available resources. Energy demands during project operation would be provided through existing infrastructure and would not substantially increase over existing demands. Operational energy use would be consistent with that of similar facilities and would not be wasteful or inefficient. There are no unique project characteristics that would result in a significant increase in energy usage, or an inefficient, wasteful use, or unnecessary consumption of energy resources. Potential impacts would be *less than significant*.

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

Implementation of the project would not result in a significant new energy demand and there are no project components or operations that would conflict with the EWP or any other state or local plan for renewable energy or energy efficiency. Compliance with State laws and regulations, including the most recent Building Code requirements, will ensure the project continues to reduce energy demands and greenhouse gas emissions, through, for example, increasing state-wide requirements that energy be sourced from renewable resources. Therefore, *no impact would occur*.

Conclusion

The project would not result in a significant energy demand during short-term construction or long-term operations and would not conflict with state or local renewable energy or energy efficiency plans. Therefore, potential impacts related to energy would be less than significant and no mitigation measures are necessary.

Mitigation

Not necessary.

VII. GEOLOGY AND SOILS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.	☐	☐	☐	☒
	(ii) Strong seismic ground shaking?	☐	☐	☐	☒
	(iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
	(iv) Landslides?	☐	☐	☐	☒
(b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
(d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
(e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☒	☐
(f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Alquist-Priolo Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is located in a geologically complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the County and that are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The San Andreas Fault zone is located along the eastern border of San Luis Obispo County and has a length of over 600 miles. The Hosgri-San Simeon fault system generally consists of two fault zones: the Hosgri fault zone that is mapped off of the San Luis Obispo County coast; and the San Simeon fault zone, which appears to be associated with the Hosgri, and comes onshore near San Simeon Point, Lastly, the Los Osos Fault zone has been mapped generally in an east/west orientation along the northern flank of the Irish Hills.

The County Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity in the County. The Safety Element establishes policies that require new development to be located away from active and potentially active faults. The element also requires that the County enforce applicable building codes relating to seismic design of structures and require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the Uniform Building Code. The proposed project site is located approximately 2 miles north of a mapped unnamed potentially active fault

Groundshaking refers to the motion that occurs in response to local and regional earthquakes. Seismic groundshaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. Groundshaking can endanger life and safety due to damage or collapse of structures or lifeline facilities. The California Building Code includes requirements that structures be designed to resist a certain minimum seismic force resulting from ground motion.

Liquefaction is the sudden loss of soil strength due to a rapid increase in soil pore water pressures resulting from groundshaking during an earthquake. Liquefaction potential increases with earthquake magnitude and groundshaking duration. Low-lying areas adjacent to creeks, rivers, beaches, and estuaries underlain by unconsolidated alluvial soil are most likely to be vulnerable to liquefaction. The CBC requires the assessment of liquefaction in the design of all structures. Per the County's Land Use View Mapping Application, the project is located in an area with low potential for liquefaction to occur. The project site is located approximately 2 miles north of an unnamed potentially active fault line.

Landslides and slope instability can occur as a result of wet weather, weak soils, improper grading, improper drainage, steep slopes, adverse geologic structure, earthquakes, or a combination of these factors. Despite current codes and policies that discourage development in areas of known landslide activity or high risk of landslide, there is a considerable amount of development that is impacted by landslide activity in the County each year. The County Safety Element identifies several policies to reduce risk from landslides and slope instability. These policies include the requirement for slope stability evaluations for development in areas of moderate or high landslide risk, and restrictions on new development in areas of known landslide activity unless development plans indicate that the hazard can be reduced to a less than significant level prior to beginning development. Per the County's Land Use View Mapping Application, the project is located in an area with low potential for landslides.

Shrink/swell potential is the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils can cause damage to building foundations, roads and other structures. A high shrink/swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating. Moderate and low ratings lessen the hazard accordingly. As discussed above under Section II, Agriculture and Forestry Resources, the project soil types are classified as follows:

- The Arbuckle component soils are considered to have a high to moderate risk of erosion and a high to moderate shrink swell characteristic;
- The Positas component soils consist of high erosion and shrink swell characteristics; and
- The Nacimiento component soils are considered to have high erosion and shrink swell characteristics.

The County LUO identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and/or their occupants with potential hazards to life and property. All land use permit applicants located within a GSA are required to include a report prepared by a certified engineering geologist and/or registered civil/soils engineer as appropriate, with the exception of construction of one single-story single-family residence, agricultural uses not involving a building, agricultural accessory structures, and alterations or additions to any structure which does not exceed 50 percent of the assessed value of the structure. In addition, all uses within a GSA are subject to special standards regarding grading and distance from an active fault within an Earthquake Fault Zone (LUO 22.14.070). The project site is not located with a GSA per the County LUO.

Paleontological resources are fossilized remains of ancient environments, including fossilized bone, shell, and plant parts; impressions of plant, insect, or animal parts preserved in stone; and preserved tracks of insects and animals. Paleontological resources are considered nonrenewable resources under state and federal law. Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils, as determined by rock type, past history of the rock unit in producing fossil materials, and fossil sites that have been recorded in the unit. Paleontological resources are generally found below ground surface in sedimentary rock units. The boundaries of the sedimentary rock unit is used to define the limits of paleontological sensitivity in a given region.

In the county, the Coastal Franciscan domain generally lies along the mountains and hills associated with the Santa Lucia Range. Fossils recorded from the Coastal Franciscan formation include trace fossils (preserved tracks or other signs of the behaviors of animals), mollusks, and marine reptiles. Nonmarine or continental deposits are more likely to contain vertebrate fossil sites. Occasionally vertebrate marine fossils such as whale, porpoise, seal, or sea lion can be found in marine rock units such as the Miocene Monterey Formation and the Pliocene Sisquoc Formations known to occur throughout Central and Southern California. Vertebrate fossils of continental material are usually rare, sporadic, and localized.

The County COSE identifies a policy for the protection of paleontological resources from the effects of development by avoiding disturbance where feasible. Where substantial subsurface disturbance is proposed in paleontologically sensitive units, Implementation Strategy CR 4.5.1 (Paleontological Studies) requires a paleontological resource assessment ad mitigation plan be prepared, to identify the extent and potential significance of resources that may exist within the proposed development and provide mitigation measures to reduce potential impacts to paleontological resources.

Discussion

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

(a-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.

Based on the California Department of Conservation Earthquake Zone Map, the project site is not located within a mapped Alquist-Priolo earthquake hazard zone (CGS 2018). Based on the County Safety Element Fault Hazards Map, the project site is not located within 1 mile of a known active or potentially active fault. Therefore, the project would not have the potential to result in substantial adverse effects involving rupture of a known earthquake fault and impacts would be *less than significant.*

(a-ii) Strong seismic ground shaking?

Based on the County Safety Element Fault Hazards Map, the project site is approximately 2 miles of a known potentially active fault. However, San Luis Obispo County is not located in a seismically active region and there is always a potential for seismic ground shaking. The project would be required to comply with the California Building Code (CBC) and other applicable standards to ensure the effects of a potential seismic event would be minimized through compliance with current engineering practices and techniques. The project does not include unique components that would be particularly sensitive to seismic ground shaking or result in an increased risk of injury or damage as a result of ground shaking. Implementation of the project would not expose people or structures

to significant increased risks associated with seismic ground shaking; therefore, impacts would be *less than significant.*

(a-iii) Seismic-related ground failure, including liquefaction?

Based on the County Safety Element Liquefaction Hazards Map, the project site is located in an area with primarily low potential for liquefaction. In addition, the project would be required to comply with CBC seismic requirements to address the site's potential for seismic-related ground failure including liquefaction; therefore, the potential impacts would be *less than significant.*

(a-iv) Landslides?

The project site has low to moderately sloping topography. Based on the County Safety Element Landslide Hazards Map the project site is in areas of Low and Moderate Potential Landslide Risk. The majority of the project site is within a Low Potential Landslide Risk area. As the areas of the project proposed for development are not located on substantial slopes, the project would not result in significant adverse effects associated with landslides and impacts would be *less than significant.*

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

The project is expected to disturb approximately 2.4 acres on a 32.23-acre site and does not include substantial vegetation removal. Preparation and approval of an Erosion and Sedimentation Control Plan is required for all construction and grading projects (LUO 22.52.120) to minimize potential impacts related to erosion, sedimentation, and siltation. The plan would be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Compliance with existing regulations would reduce potential impacts related to soil erosion and loss of topsoil to *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 on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Landslides typically occur in areas with steep slopes or in areas containing escarpments. Based on the Landslide Hazards Map provided in the County Safety Element, the project site is not located in an area with slopes susceptible to local failure or landslide.

The project would be required to comply with CBC seismic requirements to address potential seismic-related ground failure including lateral spread. Based on the County Safety Element and USGS data, the project is not located in an area of historical or current land subsidence (USGS 2019). Based on the County Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction risk and the project is not located within the GSA combining designation. Therefore, impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse would be *less than significant.*

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

Based on the Soil Survey of San Luis Obispo County and Web Soil Survey, the project site is located within an area known to contain expansive soils as defined in the Uniform Building Code. However, all future development would be required to comply with the most recent CBC requirements, which have been developed to properly safeguard structures and occupants from land stability hazards,

such as expansive soils. It should also be noted that the project does not include residential development or structures proposed for human habitation. Therefore, potential impacts related to expansive soil would be *less than significant.*

(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?

Existing on-site wastewater infrastructure is limited to the existing winery and residence. The project includes the use of a new septic tank to dispose of wastewater. The proposed project must comply with ordinance requirements for the placement and design of septic systems. Prior to building permit issuance, the standard septic systems will be evaluated in greater detail to ensure compliance with the Central Coast Basin and will not be approved if Basin Plan criteria cannot be met.

The existing winery currently treats wastewater in accordance with the RWQCB General WDR Order No. R3-2017-0020 for winery waste discharge. The proposed project would install a new winery wastewater processing system. Wastewater generated by wine production would be treated and stored on-site and would be used for vineyard irrigation and dust control. The proposed project would increase wine production to 10,000 cases, would be required to comply with the conditions of the General WDR Order No. R3-2017-0020, and would continue to qualify for a small winery discharge waiver through the RWQCB.

Final design of the new proposed septic leach field and winery wastewater processing system would be subject to County approval to ensure compliance with the Central Coast Basin criteria. Based on required compliance with the County's LAMP and the RWQCB WDR Order, the proposed on-site septic system and the winery wastewater process system would be designed in a manner that is consistent with soil conditions at the site; therefore, impacts would be *less than significant*.

(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No known paleontological resources are known to exist in the project area and the project site does not contain any unique geologic features. The project does not include substantial grading or earthwork that would disturb the underlying geologic formation in which paleontological resources may occur. Therefore, potential impacts on paleontological resources would be *less than significant.*

Conclusion

The project site is not within the GSA combining designation or an area of high risk of landslide or liquefaction. Although geologic conditions related to high erosion and shrink swell potential exist, the project would be required to comply with CBC and standard LUO requirements which have been developed to properly safeguard against seismic and geologic hazards. Therefore, potential impacts related to geology and soils would be less than significant and no mitigation measures are necessary.

Mitigation

Not necessary.

VIII. GREENHOUSE GAS EMISSIONS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
(b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Setting

Greenhouse gases (GHG) are any gases that absorb infrared radiation in the atmosphere, and are different from the criteria pollutants discussed in Section III, Air Quality, above. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement).

Carbon dioxide is the most abundant GHG and is estimated to represent approximately 80-90% of the principal GHGs that are currently affecting the earth's climate. According to the ARB, transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

In March 2012, the SLOAPCD approved thresholds for Greenhouse Gas (GHG) emission impacts, and these thresholds have been incorporated into the CEQA Air Quality Handbook. The Bright-Line Threshold of 1,150 Metric Tons CO_2/year (MT CO_2e/yr) is the most applicable GHG threshold for most projects. Table 1-1 in the APCD CEQA Air Quality Handbook provides a list of general land uses and the estimated sizes or capacity of those uses expected to exceed the GHG Bight Line Threshold of 1,150 Metric Tons of carbon dioxide per year (MT CO_2/yr). Projects that exceed the criteria or are within ten percent of exceeding the criteria presented in Table 1-1 are required to conduct a more detailed analysis of air quality impacts.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

In October 2008, ARB published its *Climate Change Proposed Scoping Plan*, which is the State's plan to achieve GHG reductions in California required by Assembly Bill (AB) 32. This initial Scoping Plan contained the main strategies to be implemented in order to achieve the target emission levels identified in AB 32. The Scoping Plan included ARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The largest proposed GHG reduction recommendations were associated with improving emissions standards for light-duty vehicles, implementing the Low Carbon Fuel Standard program, implementation of

energy efficiency measures in buildings and appliances, the widespread development of combined heat and power systems, and developing a renewable portfolio standard for electricity production.

Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extended the State's GHG reduction goals and require ARB to regulate sources of GHGs to meet a state goal of reducing GHG emissions to 1990 levels by 2020, 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050. The initial Scoping Plan was first approved by ARB on December 11, 2008 and is updated every five years. The first update of the Scoping Plan was approved by the ARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030-2035) toward reaching the 2050 goals. The most recent update released by ARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

The County Energy Wise Plan (EWP; 2011) identifies ways in which the community and County government can reduce greenhouse gas emissions from their various sources. Looking at the four key sectors of energy, waste, transportation, and land use, the EWP incorporates best practices to provide a blueprint for achieving greenhouse gas emissions reductions in the unincorporated towns and rural areas of San Luis Obispo County by 15% below the baseline year of 2006 by the year 2020. The EWP includes an Implementation Program that provides a strategy for actions with specific measures and steps to achieve the identified GHG reduction targets including, but not limited to, the following:

- Encourage new development to exceed minimum Cal Green requirements;
- Require a minimum of 75% of nonhazardous construction and demolition debris generated on site to be recycled or salvaged;
- Continue to implement strategic growth strategies that direct the county's future growth into existing communities and to provide complete services to meet local needs;
- Continue to increase the amount of affordable housing in the County, allowing lower-income families to live closer to jobs and activity centers, and providing residents with greater access to transit and alternative modes of transportation;
- Reduce potable water use by 20% in all newly constructed buildings by using the performance methods provided in the California Green Building Code;
- Require use of energy-efficient equipment in all new development;
- Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index of 10 for high-slope roofs and 68 for low-slope roofs; and
- Use light-colored aggregate in new road construction and repaving projects adjacent to existing cities.

In 2016 the County published the EnergyWise Plan 2016 Update, which describes the progress made toward implementing measures in the 2011 EWP, overall trends in energy use and emissions since the baseline year of the inventory (2006), and the addition of implementation measures intended to provide a greater understanding of the County's emissions status.

Discussion

(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Based on the nature of the proposed project and Table 1-1 of the SLOAPCD CEQA Air Quality Handbook, the project would generate less than the SLOAPCD Bright-Line Threshold of 1,150 metric tons of GHG emissions. The project's construction-related and operational GHG emissions and energy demands would be minimal. Therefore, the project's potential direct and cumulative GHG emissions would be less than significant and less than a cumulatively considerable contribution to regional GHG emissions.

Projects that generate less than the above-mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the ARB (or other regulatory agencies) and will be regulated by standards implemented by the ARB, the federal government, or other regulatory agencies. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions. Therefore, potential impacts associated with the generation of greenhouse gas emissions would be *less than significant*.

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

The proposed project would be required to comply with existing state regulations, which include increased energy conservation measures, reduced potable water use, increased waste diversion, and other actions adopted to achieve the overall GHG emissions reduction goals identified in SB 32 and EO S-3-05. The project would not conflict with the control measures identified in the CAP, EWP, or other state and local regulations related to GHG emissions and renewable energy. The project would be generally consistent with the property's existing land use and would be designed to comply with the California Green Building Code standards. Therefore, the project would be consistent with applicable plans and programs designed to reduce GHG emissions and potential impacts would be *less than significant*.

Conclusion

The project would not generate significant GHG emissions above existing levels and would not exceed any applicable GHG thresholds, contribute considerably to cumulatively significant GHG emissions, or conflict with plans adopted to reduce GHG emissions. Therefore, potential impacts related to greenhouse gas emissions would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

IX. HAZARDS AND HAZARDOUS MATERIALS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
(b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
(c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
(d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
(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 result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
(f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
(g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Setting

The Hazardous Waste and Substances Site (Cortese) List is a planning document used by the State, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. Government Code section 65962.5 requires the California EPA to develop at least annually an updated Cortese List. Various state and local government agencies are required to track and document hazardous material release information for the Cortese List. The California Department of Toxic Substance Control's (DTSC's) EnviroStor database tracks DTSC cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known contamination, such as federal superfund sites, state response sites, voluntary cleanup sites, school cleanup sites, school investigation sites, and military evaluation sites. The State Water Resources Control Board's (SWRCB's) GeoTracker database contains records for sites that impact, or have the potential to impact, water in California, such as Leaking Underground Storage Tank (LUST) sites, Department of Defense sites, and Cleanup Program Sites. The remaining data regarding facilities or sites identified as meeting the "Cortese List" requirements can be located on the CalEPA website: https://calepa.ca.gov/sitecleanup/corteselist/. The project would not be located in an area of known hazardous material contamination and is not on a site listed on the Cortese List (State Water Resources Control Board [SWRCB] 2015.

The California Health and Safety Code provides regulations pertaining to the abatement of fire related hazards and requires that local jurisdictions enforce the California Building Code, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The County Safety Element provides a Fire Hazard Zones Map that indicates unincorporated areas in the County within moderate, high, and very high fire hazard severity zones. The project is located within a high fire hazard severity zone, and, based on the County's response time map, it will take less than 5 minutes to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX. Wildfire.

The County also has adopted general emergency plans for multiple potential natural disasters, including the Local Hazard Mitigation Plan, County Emergency Operations Plan, Earthquake Plan, Dam and Levee Failure Plan, Hazardous Materials Response Plan, County Recovery Plan, and the Tsunami Response Plan.

Discussion

(a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The project does not propose the routine transport, use or disposal of hazardous substances. Any commonly-used hazardous substances within the project site (e.g., cleaners, solvents, oils, paints, etc.) would be transported, stored, and used according to regulatory requirements and existing procedures for the handling of hazardous materials. *No impacts* associated with the routine transport of hazardous materials would occur.

(b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The project does not propose the handling or use of hazardous materials or volatile substances that would result in a significant risk of upset or accidental release conditions. Construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety

laws for the handling of hazardous materials, including response and clean-up requirements for any minor spills. Additionally, the construction contractor would be required to implement BMPs for the storage, use, and transportation of hazardous materials during all construction activities. Therefore, potential impacts would be *less than significant.*

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

The project site is not located within 0.25 mile of an existing or proposed school facility; therefore, *no impacts would occur.*

(d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Based on a search of the California Department of Toxic Substance Control's EnviroStar database, the State Water Resources Control Board's Geotracker database, and CalEPA's Cortese List website, there are no hazardous waste cleanup sites within the project site. Therefore, *no impacts would occur.*

(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 result in a safety hazard or excessive noise for people residing or working in the project area?*

The project site is not located within an airport land use plan or within 2 miles of a public airport or private airstrip. Additionally, since the project is not within the Paso Robles Municipal Airport Land Use Plan land use policy areas, there are no safety, noise, or density standards applicable to the project. As such, impacts are considered to be *less than significant.*

(f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Implementation of the proposed project would not result in a significant temporary or permanent impact on any adopted emergency response plans or emergency evacuation plans. No breaks in utility service or road closures would occur as a result of project implementation. Any construction-related detours would include proper signage and notification and would be short-term and limited in nature and duration. Therefore, potential impacts would be *less than significant*.

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

Based on the County Safety Element, the project is located within a high fire hazard severity zone with a response time of less than 5 minutes within a State/Cal Fire Responsibility Area. The project will be conditioned to implement building and site improvements in accordance with the Fire Code, including, but not limited to implementation of a fire safety plan. The project would be required to comply with all applicable fire safety rules and regulations including the California Fire Code and Public Resources Code prior to issuance of building permits; therefore, potential impacts would be *less than significant.*

Conclusion

The construction and use of the proposed winery facility and tasting room will not require the use or generation of any hazardous materials. Additionally, the project is not located on a site known to contain, use, or generate any hazardous materials. The project is outside of the Paso Robles Municipal Airport Review Area and it is unlikely that the project result in any safety hazard or excessive noise exposure. The project is not expected to interfere with any adopted emergency response or evacuation plan. Finally, the threats posed by the project's location within a High Fire Hazard Severity Zone will be minimized to less than significant levels through the requirements set forth by Cal Fire. Therefore, potential impacts related to hazards and hazardous materials would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

X. HYDROLOGY AND WATER QUALITY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
(b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
(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;	☐	☐	☒	☐
	(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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; or	☐	☐	☒	☐
(iv)	Impede or redirect flood flows?	☐	☐	☐	☒
(d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
(e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

Setting

The Central Coast Regional Water Quality Control Board (RWQCB) has established Total Maximum Daily Load (TMDL) thresholds for waterbodies within the County. A TMDL establishes the allowable amount of a particular pollutant a waterbody can receive on a regular basis and still remain at levels that protect beneficial uses designated for that waterbody. A TMDL also establishes proportional responsibility for controlling the pollutant, numeric indicators of water quality, and measures to achieve the allowable amount of pollutant loading. Section 303(d) of the Clean Water Act (CWA) requires states to maintain a list of bodies of water that are designated as "impaired". A body of water is considered impaired when a particular water quality objective or standard is not being met.

The RWQCB's Water Quality Control Plan for the Central Coast Basin (Basin Plan; 2017) describes how the quality of surface water and groundwater in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The Basin Plan outlines the beneficial uses of streams, lakes, and other water bodies for humans and other life. There are 24 categories of beneficial uses, including, but not limited to, municipal water supply, water contact recreation, non-water contact recreation, and cold freshwater habitat. Water quality objectives are then established to protect the beneficial uses of those water resources. The Regional Board implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality.

The U.S. Army Corps of Engineers (USACE), through Section 404 of the CWA, regulates the discharge of dredged or fill material into waters of the U.S., including wetlands. Waters of the U.S. are typically identified by the presence of an ordinary high water mark (OHWM) and connectivity to traditional navigable waters or other jurisdictional features. The State Water Resources Control Board (SWRCB) and nine RWQCBs regulate discharges of fill and dredged material in California, under Section 401 of the CWA and the State Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a USACE permit, or fall under other federal jurisdiction, or have the potential to impact waters of the State. Waters of the State are defined by the

Porter-Cologne Act as any surface water or groundwater, including saline waters, within the boundaries of the state.

The proposed project is located within the Paso Robles Groundwater Basin.

Water for urban uses in the County is obtained from either surface impoundments such as Santa Margarita Lake, Whale Rock, and Lopez reservoirs, or from natural underground basins (aquifers). In October 2015, the County Board of Supervisors adopted a resolution which established the Countywide Water Conservation Program (CWWCP) in response to the declining water levels in the Nipomo Mesa subbasin of the Santa Maria Groundwater Basin, Los Osos Groundwater Basin, and the Paso Robles Groundwater Basin (PRGWB). A key strategy of the CWWCP is to ensure that all new construction or new or expanded agriculture will be required to offset its predicted water use by reducing existing water use on other properties within the same water basin. Each of the three groundwater basin areas have specific policies that apply.

The County LUO dictates which projects are required to prepare a drainage plan, including any project that would, for example, change the runoff volume or velocity leaving any point of the site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10 percent. Preparation of a drainage plan is not required where grading is exclusively for an exempt agricultural structure, crop production, or grazing.

The County LUO also dictates that an erosion and sedimentation control plan is required year-round for all construction and grading permit projects and site disturbance activities of one-half acre or more in geologically unstable areas, on slopes steeper than 30 percent, on highly erodible soils, or within 100 feet of any watercourse.

Per the County's Stormwater Program, the Public Works Department is responsible for ensuring that new construction sites implement best management practices during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1.0 acre or more must obtain coverage under the SWRCB's Construction General Permit. The Construction General Permit requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. There are several types of projects that are exempt from preparing a SWPPP, including routine maintenance to existing developments, emergency construction activities, and projects exempted by the SWRCB or RWQCB. Projects that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by the San Luis Obispo County LUO.

For planning purposes, the flood event most often used to delineate areas subject to flooding is the 100-year flood. The County Safety Element establishes policies to reduce flood hazards and reduce flood damage, including but not limited to prohibition of development in areas of high flood hazard potential, discouragement of single road access into remote areas that could be closed during floods, and review of plans for construction in low-lying areas. All development located in a 100-year flood zone is subject to Federal Emergency Management Act (FEMA) regulations. The County Land Use Ordinance designates a Flood Hazard (FH) combining designation for areas of the County that could be subject to inundation by a 100-year flood or within coastal high hazard areas. Development projects within this combining designation are subject to FH permit and processing requirements, including, but not limited to, the preparation of a drainage plan, implementation of additional construction standards, and additional materials storage and processing requirements for substances that could be injurious to human, animal or plant life in the event of flooding. The project site is not located within a Flood Hazard combining designation, but is located adjacent to a FEMA 100 year flood zone 400 feet to the east and 150 feet to the west . One branch of an

unnamed seasonal stream traverse the center portion of the property, running in a north to south direction, in proximity to the location of the proposed project areas.

In order to determine the project water demand for both industrial and domestic use and for a review of available water sources with respect to capacity and water quality, a study was prepared by the Wallace Group, Inc. (September 1, 2020). As discussed in the water analysis, the existing water sources at the project consists of one well. This well is a non-residential well intended for agricultural uses, including winery processing. The well capacity is 74 gallons per minute (gpm).

The monthly process wastewater totals are based on the typical seasonal distribution of water demands in a small winery. The return rate estimates are based on experience with similar size wineries and based on a standard septic system with leach field.

Permit History:
June 15, 2005 – A Minor Use Permit (DRC2005-00270) was approved that allowed the conversion of an existing 1,750-SF-agricultural barn into a 1,640 SF winery with a 110-SF-tasting room. Wine case production was estimated to be approximately 3,000 cases per year. Project was referred to Caltrans; Encroachment permit was required for a new access road.

May 20, 2016 – A Minor Use Permit (DRC2014-00144) was approved that allowed the expansion of an existing winery to allow the construction of a 984-SF building to include a 717-SF tasting room, 91-SF commercial kitchen, 68-SF office, 70-SF retail area and 48-SF restroom. The existing 110-SF-tasting room located in the wine processing/barrel storage building was to be converted into a production area. The project was approved to increase annual case production 3,000 cases to 10,000 cases. The project was also approved to host 6 winery special events annually for up to 80 guests.

The new owners are requesting an annual case production of 2,700 cases. A Water Management Memorandum was completed by Wallace Group on September 2020 and February, 2023 and stated the project includes a new tasting room and new winery production facility. Winey production capacity will largely remain the same as in the past, therefore it is not expected that water use will increase as a result of of wine making. The new tasting room is anticipated to bring in 15 visitors per day over the course of a year. Net new water demand with 2 full-time employees would be 0.10 acre feet / year (AFY). New water demand offset requirement is 2:1 (0.20 AFY).

The applicant has proposed the removal of an existing 900 sq. ft. of irrigated turf is proposed for removal (0.10 AFY). Domestic water re-charge via the leachfield would be 0.058 AFY.

The temporary events program of 30 events per year with up to 250 attendees would result in a annual maximum population of 5 gallons per event attendee, an additional water demand of 27,500 gallons per year is estimated to be 0.84 AFY. If this quantity is added the previous analysis, the new total water demand for the project is 0.184 AFY which would require an offset (2:1 ratio) of 0.368 AF.

The water use will be offset as follows:

- Recharge of groundwater basin via leach field disposal, estimated at 80% of indoor water usage (0.084 x 80%) = 0.067 AFY
- 160 sq. ft. of irrigated turf removal at 4.8 AFY, which is equivalent to 0.017 AFY.

The project site is located within the Paso Robles Groundwater Basin. As required by 22.94.025(F), all new urban and rural development within the PRGWB is required to offset new water use at a 2:1 ratio through the purchase of water offset credits prior to construction permit issuance.

Discussion

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

The proposed project includes a total of 2.4 acres of disturbance, including 9,250 cubic yards of cut and 750 cubic yards of fill. The project site supports highly erodible soils, but on-site slopes are gentle to moderate. The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use. Project grading will create exposed graded areas subject to increased soil erosion and down-gradient sedimentation. Adherence to the County's LUO for sedimentation and erosion control (Sec. 22.52.120) will adequately address these impacts. Additionally, disturbed areas will be permanently stabilized with impermeable surfaces and landscaping and stockpiles will be properly managed during construction to avoid material loss due to erosion.

To reduce construction-related surface water quality impacts, the project will be subject to Section 22.52.080 of the County's Land Use Ordinance (Title 22) which requires a drainage plan. Compliance with this plan will direct surface flows in a non-erosive manner through the site.

The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and/or the "Water Quality Control Plan, Central Coast Basin" for its domestic wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant.

The proposed project improvements are not expected to impact the unnamed blue line stream that runs in an north/south direction in the center of the subject property.

The on-site stream has the potential to be considered jurisdictional. However, based on the project site plans, no new structures are proposed within these drainages, and existing road crossings would be utilized to access the proposed Winery Site. As such, there are no Section 404/401 permits required from the Army Corps of Engineers (Corps) or Regional Water Quality Control Board (RWQCB), and there is no Section 1600 Streambed Alteration Agreement (SAA) required from the CDFW.

Implementation of the project would not substantially change the volume or velocity of runoff leaving any point of the site or result in a significant increase in impervious surface area. The project site is generally flat and does not pose a risk to downslope runoff, sedimentation, erosion, or runoff. Existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. No additional measures above what are required or proposed are needed to protect water quality. The project would not substantially affect surface water or groundwater quality. Therefore, potential impacts would be *less than significant.*

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

The net water demand for the project is expected to be 0.291 AFY. The project is not located within a groundwater basin designated as an area in severe decline by the Sustainable Groundwater

Management Act (SGMA). The existing water sources at the project consist of one well. This well is a non-residential well intended for agricultural uses, including winery processing. The well capacity is 74 gpm and the initial water quality results available indicate the well meets potable standards (absent of coliforms and no *E. coli*). The well was constructed to potable well standards such that it has a 50-foot deep cement annular seal and could be purposed as a domestic well for the proposed project. The preliminary well completion report, pump test, and water quality data documentation included in the water analysis memo. As part of the Paso Robles Groundwater Basin requirements, the well will include a water meter and monthly inspections will be conducted with records kept by the owner.

Maximum proposed case production at 5,000 cases will fall under a Winery Wastewater Discharge waiver with RWQCB.

The project would be consistent with existing and planned levels and types of development in the project area and would not create new or expanded water supply entitlements. It is not anticipated that the project would deplete groundwater supplies, or interfere substantially with groundwater recharge; therefore, the project would not interfere with sustainable management of the groundwater basin. Potential impacts associated with groundwater supplies would be *less than significant.*

(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:

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

The project will result in approximately 2.4 acres of site disturbance, including a total cut volume of including 9,250 cubic yards of cut and 750 cubic yards of fill. A sedimentation and erosion control plan is required to minimize the potential for soil erosion, which would be subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120 to minimize potential impacts related to erosion, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation.

The project will be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in flooding on- or off-site would be *less than significant.*

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

Based on the County Flood Hazard Map, the project site is not located within a 100-year flood zone. The project would result in an increase in impervious surface area on the project property as a result of installation of winery facility, parking areas, camping areas and associated flatwork.

The project will be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in flooding on- or off-site would be *less than significant.*

(c-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?

The project would be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in exceedance of the capacity of existing or planned drainage systems or provide substantial additional sources of polluted runoff would be *less than significant*

(c-iv) Impede or redirect flood flows?

Based on the County Flood Hazard Map, the project site is not located within a 100-year flood zone. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. Therefore, *no impacts would occur.*

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

Based on the County Safety Element, the project site is not located within a 100-year flood zone or within an area that would be inundated if dam failure were to occur. Based on the San Luis Obispo County Tsunami Inundation Maps, the project site is not located in an area with potential for inundation by a tsunami (DOC 2022). The project site is not located within close proximity to a standing body of water with the potential for a seiche to occur. Therefore, the project site has no potential to release pollutants due to project inundation and *no impacts would occur.*

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

The project is not located within a groundwater basin designated as Level of Severity III per the County's Resource Management System or in severe decline by SGMA. The project would not substantially increase water demand, deplete groundwater supplies, or interfere substantially with groundwater recharge. The project would not conflict with the Central Coastal Basin Plan, SGMA, or other local or regional plans or policies intended to manage water quality or groundwater supplies; therefore, *no impacts would occur.*

Conclusion

Compliance with existing regulations and/or required plans would adequately reduce potential impacts associated with hydrology and water quality to be less than significant.

Mitigation

Compliance with existing regulations and/or required plans would adequately reduce potential impacts associated with hydrology and water quality to be less than significant.

XI. LAND USE AND PLANNING

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Physically divide an established community?	☐	☐	☐	☒
(b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Setting

The LUO was established to guide and manage the future growth in the County in accordance with the General Plan, to regulate land use in a manner that will encourage and support orderly development and beneficial use of lands, to minimize adverse effects on the public resulting from inappropriate creation, location, use or design of buildings or land uses, and to protect and enhance significant natural, historic, archeological, and scenic resources within the county. The LUO is the primary tool used by the County to carry out the goals, objectives, and policies of the County General Plan.

The County Land Use Element (LUE) provides policies and standards for the management of growth and development in each unincorporated community and rural areas of the county and serves as a reference point and guide for future land use planning studies throughout the county. The LUE identifies strategic grown principles to define and focus the county's pro-active planning approach and balance environmental, economic, and social equity concerns. Each strategic growth principle correlates with a set of policies and implementation strategies that define how land will be used and resources protected. The LUE also defines each of the 14 land use designations and identifies standards for land uses based on the designation they are located within. The proposed project site is zoned Agriculture (Ag). The surrounding properties and all adjacent parcels are also designated Ag by the County Land Use Element.

The inland LUE also contains the area plans of each of the four inland planning areas: Carrizo, North County, San Luis Obispo, and South County. The area plans establish policies and programs for land use, circulation, public facilities, services, and resources that apply "areawide", in rural areas, and in unincorporated urban areas within each planning area. Part three of the LUE contains each of the 13 inland community and village plans, which contain goals, policies, programs, and related background information for the County's unincorporated inland urban and village areas. The project is located within the North County Planning Area and El Pomar/Estrella Sub Area.

The proposed project is located in an area designated Agricultural by the County of San Luis Obispo. The project site is surrounded by large agricultural parcels and rural residences. Surrounding uses are identified on Page 2 of this Initial Study and the proposed project is considered compatible with these surrounding uses. The proposed project was reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, North County Area Plan, etc.). Referrals were sent to outside agencies and other County departments to review for policy consistencies

(e.g., County Fire/CAL FIRE for Fire Code, Environmental Health, Public Works, Agricultural Department, and Native American Tribes etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

In addition, the project was determined to be consistent with the Agricultural Processing section (§22.30.070) the LUO.

Discussion

(a) *Physically divide an established community?*

The project does not propose project elements or components that would physically divide the site from surrounding areas and uses. The project would be consistent with the general level of development within the project vicinity and would not create, close, or impede any existing public or private roads, or create any other barriers to movement or accessibility within the community. Therefore, the proposed project would not physically divide an established community and *no impacts would occur.*

(b) *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The project would be consistent with all setback requirements, land use designations and the guidelines and policies for development within the applicable area plan, inland LUO, and the COSE. The project is consistent with existing surrounding developments and does not contain sensitive on-site resources; therefore, the project would not conflict with policies or regulations adopted for the purpose of avoiding or mitigating environmental effects. Therefore, the project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating environmental effects, and *no impacts would occur*.

Conclusion

The project would be consistent with local and regional land use designations, plans, and policies and would not divide an established community. Therefore, potential impacts related to land use and planning would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XII. MINERAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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?	☐	☐	☐	☒

Setting

The California Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Geologist classify land into mineral resource zones (MRZ) according to the known or inferred mineral potential of the land (Public Resources Code Sections 2710–2796).

The three MRZs used in the SMARA classification-designation process in the San Luis Obispo-Santa Barbara Production-Consumption Region are defined below (California Geological Survey 2011a):

- **MRZ-1:** Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.
- **MRZ-2:** Areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. This zone shall be applied to known mineral deposits or where well-developed lines of reasoning, based upon economic-geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is high.
- **MRZ-3:** Areas containing known or inferred aggregate resources of undetermined significance.

The County LUO provides regulations for development in delineated Energy and Extractive Resource Areas (EX) and Extractive Resource Areas (EX1). The EX combining designation is used to identify areas of the county where:

1. Mineral or petroleum extraction occurs or is proposed to occur;
2. The state geologist has designated a mineral resource area of statewide or regional significance pursuant to PRC Sections 2710 et seq. (SMARA); and,
3. Major public utility electric generation facilities exist or are proposed.

The purpose of this combining designation is to protect significant resource extraction and energy production areas identified by the County LUE from encroachment by incompatible land uses that could hinder resource extraction or energy production operations, or land uses that would be adversely affected by extraction or energy production.

Discussion

(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?

The project is not located within a designated mineral resource zone or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, *no impacts would occur.*

(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?

There are no known or mapped mineral resources in the project area and the likelihood of future mining of important resources within the project area is very low. Therefore *no impacts would occur.*

Conclusion

No impacts to mineral resources would occur and no mitigation measures are necessary.

Mitigation

None necessary.

XIII. NOISE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
(a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
(b)	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
(c)	For a project located within the vicinity of a private airstrip or 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?	☐	☐	☐	☒

Initial Study – Environmental Checklist

Setting

The San Luis Obispo County Noise Element of the General Plan provides a policy framework for addressing potential noise impacts in the planning process. The purpose of the Noise Element is to minimize future noise conflicts. The Noise Element identifies the major noise sources in the county (highways and freeways, primary arterial roadways and major local streets, railroad operations, aircraft and airport operations, local industrial facilities, and other stationary sources) and includes goals, policies, and implementation programs to reduce future noise impacts. Among the most significant polices of the Noise Element are numerical noise standards that limit noise exposure within noise-sensitive land uses, and performance standards for new commercial and industrial uses that might adversely impact noise-sensitive land uses.

Noise sensitive uses that have been identified by the County include the following:

- Residential development, except temporary dwellings
- Schools – preschool to secondary, college and university, specialized education and training
- Health care services (e.g., hospitals, clinics, etc.)
- Nursing and personal care
- Churches
- Public assembly and entertainment
- Libraries and museums
- Hotels and motels
- Bed and breakfast facilities
- Outdoor sports and recreation
- Offices

All sound levels referred to in the Noise Element are expressed in A-weighted decibels (dB). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear.

The proposed project includes a maximum of 30 annual special events of up to 250 persons, 15 events with up to 150 people, 10 events with up to 200 people, and 5 events with up to 250 persons of which may be allowed by a Conditional Use Permit. Events are proposed to be held at the winery and adjacent outdoor areas. These events would be separate from the winery activities that are not defined as special events (such as industry-wide events, wine club activities, or non-advertised gathering of less than 50 people). Events would include no amplified outdoor music after 8 pm. Typically, as per Land Use Ordinance 22.30.070(D)(i)(3), any special event proposing outdoor amplified music shall only be allowed form 10:00 am to 5:00 pm. However, the standard relating to amplified music may be waived or modified where a finding can be made by the Review Authority that the noise at the property line will not exceed 65dB.

A noise study was conducted for the project property by Padre Associates, Inc. in September 2020 that found that utilization of the proposed external speaker at lower sound power levels would not result in noise levels exceeding 65 dbA at the northern property boundary and other nearby residential receptors would not receive noise levels that exceed typical ambient noise levels.

As discussed above under Section III, Air Quality, rural residences occur on adjacent parcels to the southwest and east of the subject property. The residence to the east and south are located approximately 1,050 feet and 900 feet, respectively, from the proposed winery and tasting room.

The existing ambient noise environment is characterized by marginal traffic on Highway 41, as well as agricultural equipment from surrounding agricultural processing facilities and residential properties.

The proposed project site is not within loud noise source based on the County's noise contour map. The nearest existing noise-sensitive land use are the rural residential developments discussed above.

Discussion

(a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

The County of San Luis Obispo LUO establishes acceptable standards for exterior and interior noise levels and describe how noise shall be measured. Exterior noise level standards are applicable when a land use affected by noise is one of the sensitive uses listed in the Noise Element. Exterior noise levels are measured from the property line of the affected noise-sensitive land use.

Table 5. Maximum allowable exterior noise level standards(1)

Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime (2)
Hourly Equivalent Sound Level (L_{eq}, dB)	50	45
Maximum level, dB	70	65

(1) When the receiving noise-sensitive land use is outdoor sports and recreation, the noise level standards are increased by 10 db.

(2) Applies only to uses that operate or are occupied during nighttime hours

The County LUO noise standards are subject to a range of exceptions, including noise sources associated with construction, provided such activities do not take place before 7 a.m. or after 9 p.m. on weekdays, or before 8 a.m. or after 5 p.m. on Saturday or Sunday. Noise associated with agricultural land uses (as listed in Section 22.06.030), traffic on public roadways, railroad line operations, and aircraft in flight are also exempt.

Project construction would result in a temporary increase in noise levels associated with construction activities, equipment, and vehicle trips. Construction noise would be variable, temporary, and limited in nature and duration. The County LUO requires that construction activities be conducted during daytime hours to be able to utilize County construction noise exception standards and that construction equipment be equipped with appropriate mufflers recommended by the manufacturer. Compliance with these standards would ensure short-term construction noise would be less than significant.

Winery Special Events. Section 22.30.70.D.2.i.(3) states the following: Special events are limited to 40 days per year. Any special event proposing outdoor amplified music shall only be allowed from 10:00 a.m. to 5:00 p.m. No outside amplified sound shall occur before 10:00 a.m. or after 5:00 p.m. The standard relating to amplified music may only be waived or modified where a finding can be made by the Review Authority that the noise at the property line will not exceed 65dB.

The project includes a proposed maximum of 15 annual special events of up to 150 persons, 10 events with up to 200 people, and 5 events with up to 250 people, which is allowed for consideration with the application of a Conditional Use Permit such as the one proposed for consideration as part of the proposed project. The applicants are requesting a modification of the Winery Special Events amplified music requirements to allow for amplified music up until 8 pm. To allow for this modification, a noise study was conducted for the project property by Padre Associates, Inc. in September 2020 that found that utilization of the proposed external speaker at lower sound power levels would not result in noise levels exceeding 65 dbA at the northern property boundary and other nearby residential receptors would not receive noise levels that exceed typical ambient noise levels.

The project is not expected to conflict with the surrounding uses. The project has the potential to exceed the maximum allowable noise of 65 dbA for amplified music after 5 pm without mitigation. As recommended by Padre Associates in their noise study, if the applicant uses the proposed

speaker at sound power levels below 120 db, designates the location for placement of the exterior speak as close to the proposed winery production building as possible, and verifies that the speaker utilized by special event venders are similar to the proposed speaker specifications, noise levels at the northern property boundary would be reduced to under the maximum allowable 65 db.

Based on the Noise Element's projected future noise generation from known stationery and vehicle-generated noise sources, the project is within an acceptable threshold area. Compliance with these standards, and the requirements for winery special events discussed above, would ensure noise impacts would be *less than significant*.

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

The project does not propose substantial grading/earthmoving activities, pile driving, or other high impact activities that would generate substantial groundborne noise or groundborne vibration during construction. Construction equipment has the potential to generate minor groundborne noise and/or vibration, but these activities would be limited in duration and are not likely to be perceptible from adjacent areas. The project does not propose a use that would generate long-term operational groundborne noise or vibration. Therefore, impacts related to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels would be *less than significant.*

(c) For a project located within the vicinity of a private airstrip or 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?

The project site is located outside of the Paso Robles Municipal Airport Land Use Plan. The project does not include residential use or the development of human habitation and would not expose people living or working in the project area to excessive noise leves; therefore, *no impact would occur*.

Conclusion

Short-term construction activities would be limited in nature and duration and conducted during daytime periods per County LUO standards. With implementation of recommendations of exterior speakers, noise levels from special events would not exceed maximum allowable noise levels. No long-term operational noise or ground vibration would occur as a result of the project. Therefore, potential impacts related to noise would be less than significant and no mitigation measures are necessary.

Mitigation

N-1 For the life of the project, events with outdoor amplified music shall comply with the recommendations from the Pardre Associates, Inc. Noise Study, prepared for Ella's Vineyard dated September 2020.

N-2 For the life of the project, events with outdoor amplified music/sound may occur between the hours of 2 p.m. and 8 p.m.

N-3 During outdoor events, the applicant shall designate an employee to serve as a noise monitor. For events that include outdoor amplified music/sound, the noise monitor shall monitor noise levels, on an hourly basis, with a sound level meter at the property lines to ensure that the noise levels do not exceed those prescribed in the County Land Use Ordinance. The outdoor amplified music shall not exceed Lmax levels of 65 dB decibels at the property line. The noise monitor shall be available by

telephone to respond to any noise complaints and take corrective measures to ensure compliance with the County Land Use Ordinance. The applicant and successors in interest shall provide a telephone number to reach the designated noise monitor to the County and any neighbor who requests it. The telephone number provided shall allow the County and/or neighbor to reach the noise monitor during all events.

N-4 The applicant shall provide notification of events, through an email or letter, to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site. If a letter is used, it shall be delivered within 30 days prior to but not less than 3 days before each event occurrence. The following information shall be provided:

a. A complete listing of all scheduled events including dates, times, and number of attendees;
b. 24-hour contact information for the on-site operator (cell phone), including e-mail and phone number, to be used to notify the operator of issues with the operation;
c. Contact information for County Code Enforcement to be used if members of the public have complaints about the operation;
d. Any identified problems shall be responded to and addressed as soon as possible.

As an alternative to providing the annual listing of the events in a letter, a website may be used. If a website is used, notification shall first be provided by mail and contain the website address, the 24-hour local contact information and the approved number of events and attendee numbers. The website shall be maintained and kept current at all times.

XIV. POPULATION AND HOUSING

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Induce substantial unplanned 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)?	☐	☐	☒	☐
(b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Setting

The County of San Luis Obispo General Plan Housing Element recognizes the difficulty for residents to find suitable and affordable housing within San Luis Obispo County. The Housing Element includes an analysis of vacant and underutilized land located in urban areas that is suitable for residential development and considers zoning provisions and development standards to encourage development of these areas.

Consistent with State housing element laws, these areas are categorized into potential sites for very low- and low-income households, moderate-income households, and above moderate-income households.

The County's Inclusionary Housing Ordinance requires the provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions. In its efforts to provide for affordable housing, the County currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

As discussed above under Section III, Air Quality, rural residences occur on adjacent parcels to the southwest and east of the subject property. The residence to the east is located approximately 1,050 feet from the proposed winery and tasting room and the residence to the south is located approximately 900 feet from the proposed winery and tasting room.

Discussion

(a) *Induce substantial unplanned 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)?*

The project does not include the construction of new homes and daily operations at the proposed winery would potentially employ full-time employees. Workers would likely be sourced from the local labor pool and would not result in increased housing demand. The project would not generate a substantial number of new employment opportunities that would encourage population growth in the area. The project does not include the extension or establishment of roads, utilities, or other infrastructure that would induce development and population growth in new areas. Therefore, the project would not directly or indirectly induce substantial growth and impacts would be *less than significant.*

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

The project would not displace existing housing or necessitate the construction of replacement housing elsewhere; therefore, *no impacts would occur.*

Conclusion

No impacts to population and housing would occur and no mitigation measures are necessary.

Mitigation

None necessary.

XV. PUBLIC SERVICES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 objectives for any of the public services:				
	Fire protection?	☐	☐	☒	☐
	Police protection?	☐	☐	☒	☐
	Schools?	☐	☐	☒	☐
	Parks?	☐	☐	☒	☐
	Other public facilities?	☐	☐	☒	☐

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by the California Department of Forestry and Fire Protection (CAL FIRE), which has been under contract with the County of San Luis Obispo to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and to reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county. The proposed project is located in a High Fire Hazard Severity Zone. The project site is within an area classified as State Responsibility Area. The nearest Cal Fire/County Fire station Cal Fire Station 52) is located at 6055 Webster Road, approximately 1.0 vehicular mile east of the project site. Based on the County's response time map, it will take less than 5 minutes to respond to a call regarding fire or life safety.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county, the Coast Station in Los Osos, the North Station in Templeton, and the South Station in Oceano. The proposed project area is served by County

Sheriff and the nearest station is the North Station in Templeton, 356 North Main Street in the Community of Templeton, located approximately 13.3 vehicular miles northwest of the project site.

San Luis Obispo County has a total of 12 school districts that currently enroll approximately 34,000 students in over 75 schools. The project is within the Atascadero Unified School District, which includes six elementary schools, two middle school, and three high schools.

Within the County's unincorporated areas, there are currently 23 parks, three golf courses, four trails/staging areas, and eight Special Areas that include natural areas, coastal access, and historic facilities currently operated and maintained by the County.

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public services. A public facility fee program (i.e., development impact fee program) has been adopted to address impacts related to public facilities (county) and schools (State Government Code 65995 et seq.). The fee amounts are assessed annually by the County based on the type of proposed development and the development's proportional impact and are collected at the time of building permit issuance. Public facility fees are used as needed to finance the construction of and/or improvements to public facilities required to the serve new development, including fire protection, law enforcement, schools, parks, and roads.

Discussion

(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 objectives for any of the public services:*

Fire protection?
The project would be required to comply with all fire safety rules and regulations including the California Fire Code and Public Resources Code prior to issuance of building permits. Based on the limited nature of development proposed, the project would not result in a significant increase in demand for fire protection services. The project would be served by existing fire protection services and would not result in the need for new or altered fire protection services or facilities. In addition, the project would be subject to development impact fees to offset the project's contribution to demand for fire protection services. Therefore, impacts would be *less than significant.*

Police protection?
The project does not propose a new use or activity that would require additional police services above what is normally provided for similar surrounding land uses. The project would not result in a significant increase in demand for police protection services and would not result in the need for new or altered police protection services or facilities. In addition, the project would be subject to development impact fees to offset the project's contribution to demand on law enforcement services. Therefore, impacts related to police services would be *less than significant.*

Schools?
As discussed in Section XIV. Population and Housing, the project would not induce a substantial increase in population growth and would not result in the need for additional school services or facilities to serve new student populations. Therefore, potential impacts would be *less than significant.*

Parks?
As discussed in Section XIV. Population and Housing, the project would not induce a substantial increase in population growth and would not result in the need for additional parks or recreational services or facilities to serve new populations. Therefore, potential impacts would be *less than significant.*

Other public facilities?
As discussed above, the proposed project would be subject to applicable fees to offset negligible increased demands on public facilities; therefore, impacts related to other public facilities would be *less than significant.*

Conclusion

The project does not propose development that would substantially increase demands on public services and would not induce population growth that would substantially increase demands on public services. The project would be subject to payment of development impact fees to reduce the project's negligible contribution to increased demands on public services and facilities. Therefore, potential impacts related to public services would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XVI. RECREATION

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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?	☐	☐	☒	☐
(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?	☐	☐	☒	☐

Setting The County of San Luis Obispo Parks and Recreation Element (Recreation Element) establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing, and the development of new, parks and recreation facilities in order to meet existing and projected needs and to assure an equitable distribution of parks throughout the county.

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public parks and recreational facilities. Public facility fees are collected upon construction of new residential

units and currently provide funding for new community-serving recreation facilities. Quimby Fees are collected when new residential lots are created and can be used to expand, acquire, rehabilitate, or develop community-serving parks. Finally, a discretionary permit issued by the County may condition a project to provide land, amenities, or facilities consistent with the Recreation Element.

The County Bikeways Plan identifies and prioritizes bikeway facilities throughout the unincorporated area of the county, including bikeways, parking, connections with public transportation, educational programs, and funding. The Bikeways Plan is updated every 5 years and was last updated in 2016. The plan identifies goals, policies, and procedures geared towards realizing significant bicycle use as a key component of the transportation options for San Luis Obispo County residents. The plan also includes descriptions of bikeway design and improvement standards, an inventory of the current bicycle circulation network, and a list of current and future bikeway projects within the county.

Discussion

(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?

The project proposes a winery facility that would employ 4 to 5 potential full-time employees. Workers would likely be sourced from the local labor pool and would not result in increased demand on existing or planned recreational facilities in the county. The project is not proposed in a location that would affect any existing trail, park, recreational facility, coastal access, and/or natural area. The project would not result in a substantial growth within the area and would not substantially increase demand on any proximate existing neighborhood or regional parks or other recreational facilities. Payment of standard development impact fees would ensure any incremental increase in use of existing parks and recreational facilities would be reduced to *less than significant.*

(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?

Implementation of the project would not require the construction or expansion of recreational facilities; therefore, *less than significant impacts would occur.*

Conclusion

The project would not result in the significant increase in use, construction, or expansion of parks or recreational facilities. Therefore, potential impacts related to recreation would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XVII. TRANSPORTATION

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☒	☐	☐
(b)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
(c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
(d)	Result in inadequate emergency access?	☐	☐	☒	☐

Setting

The County Department of Public Works maintains updated traffic count data for all County-maintained roadways. In addition, Traffic Circulation Studies have been conducted within several community areas using traffic models to reasonably simulate current traffic flow patterns and forecast future travel demands and traffic flow patterns. These community Traffic Circulation Studies include the South County Circulation Study, Los Osos Circulation Study, Templeton Circulation Study, San Miguel Circulation Study, Avila Circulation Study, and North Coast Circulation Study. The California Department of Transportation (Caltrans) maintains annual traffic data on state highways and interchanges within the county.

In 2013, Senate Bill 743 was signed into law with the intent 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 emissions" and required the Governor's Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of Senate Bill 743 and identified vehicle miles traveled (VMT) per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3 [b]). Beginning July 1, 2020, the newly adopted VMT criteria for determining significance of transportation impacts must be implemented statewide.

The San Luis Obispo Council of Governments (SLOCOG) holds several key roles in transportation planning within the county. As the Regional Transportation Planning Agency (RTPA), SLOCOG is responsible for conducting a comprehensive, coordinated transportation program, preparation of a Regional Transportation Plan (RTP), programming of state funds for transportation projects, and the administration

and allocation of transportation development act funds required by state statutes. As the Metropolitan Planning Organization (MPO), SLOCOG is also responsible for all transportation planning and programming activities required under federal law. This includes development of long-range transportation plans and funding programs, and the approval of transportation projects using federal funds.

The 2019 RTP, adopted June 5, 2019, is a long-term blueprint of San Luis Obispo County's transportation system. The plan identifies and analyzes transportation needs of the region and creates a framework for project priorities. SLOCOG represents and works with the County of San Luis Obispo as well as the Cities within the county in facilitating the development of the RTP.

The County Department of Public Works establishes bicycle paths and lanes in coordination with the RTP, which outlines how the region can establish an extensive bikeway network. County bikeway facilities are funded by state grants, local general funds, and developer contributions. The RTP also establishes goals and recommendations to develop, promote, and invest in the public transit systems, rail systems, air services, harbor improvements, and commodity movements within the county in order to meet the needs of transit-dependent individuals and encourage the increasing use of alternative modes by all travelers that choose public transportation. Local transit systems are presently in operation in the cities of Morro Bay and San Luis Obispo, and South County services are offered to Grover Beach, Arroyo Grande, Pismo Beach, and Oceano. Dial-a-ride systems provide intra-community transit in Morro Bay, Atascadero, and Los Osos. Inter-urban systems operate between the City of San Luis Obispo and South County, Los Osos, and the North Coast.

The County's Framework for Planning (Inland), includes the Land Use and Circulation Elements of the County's General Plan. The Framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations. Due to the location of the project site, there are no pedestrian, bicycle, or public transit facilities serving of the project site.

In order to determine the project transportation and traffic impacts, a transportation analysis was prepared for the proposed project (August Ridge Winery Access and Sight Distance Evaluation and Trip Generation Analysis, Orosz Engineering Group, Inc., June 19, 2006). This study was deemed sufficient by CalTrans for this project. As discussed in the project transportation analysis, the existing driveway in 2006 was inadequate for the minimum stopping sight distance provided by CalTrans and a new access point was needed. This new access point is located approximately 430 feet to the east of the existing driveway and has since been constructed on site. The original driveway will be used as a fire entrance and exit, and the new driveway will be used as the main entrance for the residence and visitors to the winery. No additional driveway improvements are proposed.

Caltrans does not have any additional concerns or requirements for this project. The eastern access is identified on plans as the property's primary access onto SR41 and the western access is shown as emergency access only. No impacts identified but noted that if any work is expected to be completed in the State's ROW it will require an encroachment permit from Caltrans and shall be completed in accordance with engineering and environmental standards (Jenna Schudson, April 12, 2022).

Discussion

(a) *Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

The County released draft guidelines in 2021 for evaluating transportation impacts using VMT consistent with recently mandated changes to CEQA. Small projects consistent with the General Plan and generating fewer than 110 daily trips are presumed to have a less-than-significant impact. The County's winery and special events trip calculator identifies a yearly threshold of 27,610 annual trips based on the 110 daily trip thresholds, not including weekends or holidays. The Institute of Transportation Engineers (ITE) *Trip Generation Manual* 10th Edition was used to estimate peak to daily factor for regular winery activities.

Table 6. Winery Tasting Room / Production /Storage / Offices
Project Trip Generation Summary

	Size	Peak Hour Trip Rate	Peak Hour Trips	Public Tasting Trips
Winery Uses				
Production/Storage/Offices	4200 KSF	0.97 PHT/1,000 SF	4	
Tasting Room Uses				
Tasting Room	746 KSF	2.71 PHT/1,000 SF		2.02
Project Total	Public Tasting Peak Hour Trips		2.02	
	Other Peak Hour Trips		4	
	Special Event Peak Hour Trips		0	

Roadway Safety Audit (RSA)

The County of San Luis Obispo policy 2008-152 defines the information required to complete a RSA based on the number of peak hour trips developed by a project. The proposed project will result in no peak hour special event trips and 6 general public weekday peak hour trips.

The project is located a SR41 arterial road and was referred to Caltrans for their review. Caltrans stated no project concerns and or requirements for this project (Jenna Schudson, April 12, 2022). A traffic study was not requested.

Therefore, the impacts related to VMT are considered *less than significant*, and no mitigations are required or recommended.

Highway 41 Road Volumes and Operations

Highway 41 is a two-lane highway with no pedestrian or bike facilities. Historic traffic volumes were obtained from the County. Volumes on Highway 41 near the project site have decreased over the past 4 years as shown in Table 8, below.

Table 7. Average Daily Traffic (ADT) Volumes

Roadway Segment	Year	ADT
HWY 41 (Junction of Route 229)	2020	2,000
HWY 41 (Junction of Route 229)	2019	2,200
HWY 41 (Junction of Route 229)	2018	3,050
HWY 41 (Junction of Route 229)	2017	3,100
Source: Cal Trans, 2022.		

These traffic volume levels represent level of service A/B, a very good level of service with no congestion.

Site Access and Circulation

The project traffic analysis reviewed the site plan provided by the applicant and reflected herein. There are two existing driveways from Highway 41 accessing the subject parcel. The western driveway found near the bottom center of the parcel will be the secondary fire access with a gate and 20 feet wide. The eastern driveway will be the main entrance for the project site with a gate and will be 12 feet wide. The driveway leading to the winery project site will be 20 feet wide. This eastern driveway was constructed after the Access and Sight Distance Evaluation and Trip Generation Analysis was completed in 2006 at the recommendation of OEG in meeting Caltrans requirements for access points. Site access and internal circulation impacts are *considered less than significant*, and no additional driveway improvements are proposed.

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

Section 15064.3, subdivision (b) states that if existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. As discussed in the project transportation analysis, the County released draft guidelines in 2021 for evaluating transportation impacts using VMT consistent with recently mandated changes to CEQA. Small projects consistent with the General Plan and generating fewer than 110 daily trips are presumed to have a less-than-significant impact. The County's winery and special events trip calculator identifies a yearly threshold of 27,610 annual trips based on the 110 daily trip thresholds, not including weekends or holidays.

Therefore, the impacts related to VMT are considered *less than significant*, and no mitigations are required or recommended.

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

Based on the expected project traffic volumes, the Highway 41 traffic volumes, and the Caltrans report "Guidelines for Reconstruction of Intersections", a left turn lane into the project is not warranted. OEG recommended that graded shoulders (a minimum of 4 feet wide) along the project

side of the highway within 150 feet of both sides of the new driveway should be constructed when roadway improvements are made. The width and general design of the access was found to be adequate for the expected trip generation for the project. The sight distance from both driveways meet the minimum stopping sight distance criteria provided by Caltrans. Impacts related to roadway safety are considered *less than significant.*

(d) Result in inadequate emergency access?

The project would not result in road closures during short-term construction activities or long-term operations. Individual access to adjacent properties would be maintained during construction activities and throughout the project area.

Temporary Events, per Title 22, County Code Section 22.30.070.D.1. states that a minimum of two unobstructed access points, each at a minimum of 18 feet wide from the event site to a publicly maintained road. The applicant is requesting a modification of this use standard as allowed by Section Section 22.30.020.D.

The standards of these chapters may be waived or modified through Development Plan approval and Conditional Use Permit. Waiver or modification of these standards shall be granted only where the Planning Commission first makes findings and by identifying the specific conditions of the site and/or vicinity which make standard unnecessary or ineffective.

Cal Fire/San Luis Obispo County Fire Department reviewed the proposed project (May 30, 2022). Secondary Egress will not be required if a single point access meets 20-foot-wide drivable surface with 2-foot shoulders. Surfacing will meet San Luis Obispo County Code 22.54.020 for surfacing. Reference C.C.R. Title 14 Div. 1.5, Chapter 7. Sub Chapter 2, Article 1-5. As condition, the be required to ensure that the access roads meets Cal Fire Code.

Therefore, the project would not adversely affect existing access and *no impacts would occur*.

Conclusion

The project would not alter existing transportation facilities or result in the generation of substantial additional trips or vehicle miles traveled. Payment of standard development fees and compliance with existing regulations would ensure potential impacts related to conflicts with a program, plan, or policy, conflicts or inconsistency with CEQA Guidelines section 15064.3, subdivision (b), and emergency access would be reduced to less than significant. Therefore, potential impacts to transportation would be less than significant and no mitigation measures are necessary.

Mitigation

Improvements to meet County Code Standards and Cal Fire Code Standards.

XVIII. TRIBAL CULTURAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, 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 section 5020.1(k), or	☐	☐	☒	☐
	(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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Setting

Approved in 2014, AB 52 added tribal cultural resources to the categories of resources that must be evaluated under CEQA. Tribal cultural resources are defined as either of the following:

1) Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
    b. Included in a local register of historical resources as defined in subdivision (k) of California Public Resources Code Section 5020.1.

2) 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 California Public Resources Code Section 5024.1. In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

Recognizing that tribes have expertise with regard to their tribal history and practices, AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. If the tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe regarding the potential for adverse impacts on tribal cultural resources as a result of a project. Consultation may include discussing the type of environmental review necessary, the presence and/or significance of tribal cultural resources, the level of significance of a project's impacts on the tribal cultural resources, and available project alternatives and mitigation measures recommended by the tribe to avoid or lessen potential impacts on tribal cultural resources.

The County initiated the AB 52 process for this project on 3/20/22 which included an invitation for consultation sent to all tribal representatives. As of this date, the County has not received a request for consultation.

Discussion

(a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, 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:

(a-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 section 5020.1(k)?

The County has provided notice of the opportunity to consult with appropriate tribes per the requirements of AB 52. The CCIC records search, Native American Heritage Commission (NAHC) coordination, and field survey associated with the project archaeological survey did not identify the presence of archaeological resources within or adjacent to the project area. As defined by CEQA, no historical resources or unique archaeological resources were identified within the project area and no further archaeological study is recommended. Potential impacts associated with the inadvertent discovery of tribal cultural resources would be subject to LUO 22.10.040 (Archaeological Resources), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law. Therefore, impacts related to a substantial adverse change in the significance of tribal cultural resources would be *less than significant*.

(a-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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

The project site does not contain any resources determined by the County to be a potentially significant tribal cultural resource. Impacts associated with potential inadvertent discovery would be

minimized through compliance with existing standards and regulations (LUO 22.10.040). Therefore, potential impacts would be *less than significant*.

Conclusion

No tribal cultural resources are known or expected to occur within or adjacent to the project site. In the event unanticipated sensitive resources are discovered during project activities, adherence with County LUO standards and State Health and Safety Code procedures would reduce potential impacts to less than significant; therefore, potential impacts to tribal cultural resources would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XIX. UTILITIES AND SERVICE SYSTEMS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Require or result in the relocation or 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 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?	☐	☐	☒	☐
(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?	☐	☐	☐	☒
(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?	☐	☐	☒	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Setting

The County Public Works Department provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater "will serve" letters. The Department of Public Works currently maintains CSAs for the communities of Nipomo, Oak Shores, Cayucos, Avila Beach, Shandon, the San Luis Obispo County Club, and Santa Margarita. Other unincorporated areas in the County rely on on-site wells and individual wastewater systems. Regulatory standards and design criteria for onsite wastewater treatment systems are provided by the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (California OWTS Policy).

Per the County's Stormwater Program, the Public Works Department is responsible for ensuring that new construction sites implement best management practices during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1.0 acre or more must obtain coverage under the SWRCB's Construction General Permit. Pacific Gas & Electric Company (PG&E) is the primary electricity provider and both PG&E and Southern California Gas Company provide natural gas services for urban and rural communities within the County of San Luis Obispo. Existing on-site utility infrastructure is limited to the existing residence and vineyard operation. Please refer to Section X, Hydrology and Water Quality, for a detail discussion of existing water infrastructure on the project site.

There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the City of San Luis Obispo, Chicago Grade Landfill, located near the community of Templeton, and Paso Robles Landfill, located east of the City of Paso Robles. The project's solid waste needs would be served by Chicago Grade Landfill, Inc. and North SLO County Recycling.

Discussion

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

The project would install a new on-site septic system to treat wastewater generated by the proposed project and a new winery wastewater processing system. This property has an existing winery that was approved for up to 10,000 cases annually. The new owner is estimated wine production would of 2,700 cases annually would qualify for a small winery discharge waiver through Regional Water Quality Control Board (RWQCB).

The project site contains one existing well. The project proposes to obtain its water needs from the on-site well and wastewater will be treated, separated, and land applied under Regional Water Quality Control Board (RWQCB) winery wastewater waiver provisions. Energy needs will be provided through proposed connection to existing infrastructure. The project would not require the expansion of existing community facilities. Therefore, impacts would be less than significant.

The project includes a new on-site septic system and new on-site winery wastewater processing system. The proposed project must comply with ordinance requirements for the placement and design of septic systems. The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. Prior to building permit issuance, the domestic septic systems will be evaluated in greater detail to ensure compliance with the Central Coast Basin and will not be approved if Basin Plan criteria cannot be met.

The proposed winery wastewater treatment will require a discharge waiver from the Regional Water Quality Control Board ("RWQCB") prior to construction. The winery's proposed maximum annual production of 2,700 cases will qualify for a small winery discharge waiver through Regional Water Quality Control Board ("RWQCB"). All waste will go into a holding tank where the solids will settle, and the liquids will be treated and re-used onsite for vineyard irrigation and dust control under the provisions of the RWQCB winery wastewater wavier. Based on compliance with existing regulations and requirements, potential wastewater impacts would be *less than significant*.

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

The net water demand for the project is expected to be 0.291 AFY. The project is not located within a groundwater basin designated as Level of Severity III per the County's Resource Management System or in severe decline by the Sustainable Groundwater Management Act (SGMA). The existing water source at the project consists of one well. This well is intended for agricultural uses, including winery processing. The well capacity is 74 gallons per minute (gpm) and the water quality results available indicate the well meets potable standards (absent of coliforms and no *E. coli*). The well was constructed to potable well standards such that it has a 50-foot deep cement annular seal and could be purposed as a domestic well for the proposed project. The preliminary well completion report, pump test, and water quality data documentation included in the water analysis memo. As part of the Paso Robles Groundwater Basin requirements, the well will include a water meter and monthly inspections will be conducted with records kept by the owner.

Maximum proposed case production at 5,000 cases will fall under a Winery Wastewater Discharge waiver with RWQCB.

The project would be consistent with existing and planned levels and types of development in the project area and would not create new or expanded water supply entitlements. It is not anticipated that the project would deplete groundwater supplies, or interfere substantially with groundwater recharge; therefore, the project would not interfere with sustainable management of the groundwater basin. Potential impacts associated with groundwater supplies would be *less than significant.*

(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?

The project proposes the use of an on-site wastewater treatment systems. No additional demand will be added to the community's provider's existing commitments. Therefore, impacts associated with wastewater collection and treatment capacity are considered *less than significant*.

(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?*

Construction activities would result in the generation of minimal solid waste materials; no significant long-term increase in solid waste would occur. Local landfills have adequate permit capacity to serve the project and the project does not propose to generate solid waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals. Therefore, potential impacts would be *less than significant*.

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

The project would not result in a substantial increase in waste generation during project construction or operation. Construction waste disposal would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Therefore, potential impacts would be *less than significant*.

Conclusion

The project would not result in significant increased demands on water, wastewater, or stormwater infrastructure and facilities. No substantial increase in solid waste generation would occur. Therefore, potential impacts to utilities and service systems would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XX. WILDFIRE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
(b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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?	☐	☐	☒	☐
(d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Setting

In central California, the fire season usually extends from roughly May through October, however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. Fire Hazard Severity Zones (FHSZ) are defined by the California Department of Forestry and Fire Protection (CALFIRE) based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the County have been designated as "Very High," "High," or "Moderate." In San Luis Obispo County, most of the area that has been designated as a "Very High Fire Hazard Severity Zone" is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The Moderate Hazard designation does not mean the area cannot experience a damaging fire; rather, it indicates that the probability is reduced, generally because the number of days a year that the area has "fire weather" is less than in high or very high fire severity zones. Based on the County Land Use View mapping tool, the project site is within the high fire hazard severity zone.

The County Emergency Operations Plan (EOP) addresses several overall policy and coordination functions related to emergency management. The EOP includes the following components:

- Identifies the departments and agencies designated to perform response and recovery activities and specifies tasks they must accomplish;
- Outlines the integration of assistance that is available to local jurisdictions during disaster situations that generate emergency response and recovery needs beyond what the local jurisdiction can satisfy;
- Specifies the direction, control, and communications procedures and systems that will be relied upon to alert, notify, recall, and dispatch emergency response personnel, alert the public, protect residents and property, and request aid/support from other jurisdictions and/or the federal government;
- Identifies key continuity of government operations; and
- Describes the overall logistical support process for planned operations.

Topography influences wildland fire to such an extent that slope conditions can often become a critical wildland fire factor. Conditions such as speed and direction of dominant wind patterns, the length and steepness of slopes, direction of exposure, and/or overall ruggedness of terrain influence the potential intensity and behavior of wildland fires and/or the rates at which they may spread (Barros et al. 2013).

The County of San Luis Obispo Safety Element establishes goals, policies, and programs to reduce the threat to life, structures, and the environment caused by fire. Policy S-13 identifies that new development should be carefully located, with special attention given to fuel management in higher fire risk areas, and that new development in fire hazard areas should be configured to minimize the potential for added danger. Implementation strategies for this policy include identifying high risk areas, the development and implementation of mitigation efforts to reduce the threat of fire, requiring fire resistant material to be used for building construction in fire hazard areas, and encouraging applicants applying for subdivisions in fire hazard areas to cluster development to allow for a wildfire protection zone.

The California Fire Code provides minimum standards for many aspects of fire prevention and suppression activities. These standards include provisions for emergency vehicle access, water supply, fire protection systems, and the use of fire resistant building materials.

The County has prepared an Emergency Operations Plan (EOP) to outline the emergency measures that are essential for protecting the public health and safety. These measures include, but are not limited to, public alert and notifications, emergency public information, and protective actions. The EOP also addresses policy and coordination related to emergency management.

Discussion

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

Implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Temporary construction activities and staging would not substantially alter existing circulation patterns or trips. Access to adjacent areas would be maintained throughout the duration of the project. There are adequate alternative routes available to accommodate any rerouted trips through the project area for the short-term construction period. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Potential impacts would be *less than significant*.

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

The project site is gently to moderately sloping, is regularly mowed for vegetation/weed management and substantial on-site vegetation is limited to the oak trees. Proposed uses would not significantly increase or exacerbate potential fire risks and the project does not propose any design elements that would exacerbate risks and expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire. Therefore, potential impacts would be *less than significant*.

(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?

The project would not require the installation or maintenance of utility or wildfire protection infrastructure and would not exacerbate fire risk or result in temporary or ongoing impacts to the

environment as a result of the development of wildfire prevention, protection, and/or management techniques. Therefore, potential impacts would be *less than significant*.

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

The project site has gentle to moderate slopes and would not be located near a hillslope or in an area subject to downstream flooding or landslides. The applicant will be required to submit complete drainage plans and report prepared by a licensed civil engineer for review and approval in accordance with Section 22.52.110 of the Land Use Ordinance. In addition, the applicant will be required to submit complete erosion and sedimentation control plans for review and approval in accordance with Section 22.52.120 of the Land Use Ordinance. The project does not include any design elements that would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be *less than significant*.

Conclusion

The project would not expose people or structures to new or exacerbated wildfire risks and would not require the development of new or expanded infrastructure or maintenance to reduce wildfire risks. Therefore, potential impacts associated with wildfire would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Does the project have the potential to substantially 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?	☐	☒	☐	☐

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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)?	☐	☐	☒	☐
(c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Setting

Refer to setting information provided above.

Discussion

(a) Does the project have the potential to substantially 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?

The proposed project has the potential to have significant impacts related to Air Quality, Biological Resources, and Noise. However, with the inclusion of mitigation measures, impacts would be mitigated to *less than significant.*

(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)?

The proposed project does not have impacts that are individually limited, but cumulatively considerable. Therefore, potential cumulative impacts would be *less than significant*.

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

Based on the nature and scale of the project, the project would not result in a substantial adverse direct or indirect effect on human beings.

Conclusion

Potential impacts would be less than significant, and no mitigation measures are necessary.

Mitigation

None necessary.

Exhibit A - Initial Study References and Agency Contacts

The County Planning Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
☒	County Public Works Department	**Attached**
☐	County Environmental Health Services	**Not Applicable**
☒	County Agricultural Commissioner's Office	**Not Applicable**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☐	Air Pollution Control District	**Not Applicable**
☐	County Sheriff's Department	**Not Applicable**
☐	Regional Water Quality Control Board	**Not Applicable**
☐	CA Coastal Commission	**Not Applicable**
☐	CA Department of Fish and Wildlife	**Not Applicable**
☐	CA Department of Forestry (Cal Fire)	**Not Applicable**
☒	CA Department of Transportation	**In File****
☐	Community Services District	**Not Applicable**
☒	Other Building Division	**Attached**
☒	Other Creston Advisory Body	**Attached**

** "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

- ☒ Project File for the Subject Application

County Documents

- ☐ Coastal Plan Policies
- ☒ Framework for Planning (Coastal/Inland)
- ☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element
  - ☐ Economic Element
  - ☒ Housing Element
  - ☒ Noise Element
  - ☒ Parks & Recreation Element/Project List
  - ☒ Safety Element
- ☒ Land Use Ordinance (Inland/Coastal)
- ☐ Building and Construction Ordinance
- ☒ Public Facilities Fee Ordinance
- ☐ Real Property Division Ordinance
- ☐ Affordable Housing Fund
- ☐ Airport Land Use Plan
- ☒ Energy Wise Plan
- ☐ Select Planning Area
- ☐ Design Plan
- ☐ Specific Plan
- ☐ Annual Resource Summary Report
- ☐ Circulation Study

Other Documents

- ☒ Clean Air Plan/APCD Handbook
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ Archaeological Resources Map
- ☐ Area of Critical Concerns Map
- ☒ Special Biological Importance Map
- ☒ CA Natural Species Diversity Database
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other

Initial Study – Environmental Checklist

In addition, the following project-specific information and/or reference materials have been considered as a part of the Initial Study:

Barros, Ana M.G., Jose M.C. Pereira, Max A. Moritz, and Scott L. Stephens. 2013. Spatial Characterization of Wildfire Orientation Patterns in California. Forests 2013, 4; Pp 197-217." 2013.

CAL FIRE. 2007. "Draft Fire Hazard Severity Zones in Local Responsibility Areas." Available at <http://frap.fire.ca.gov/webdata/maps/san_luis_obispo/fhszl06_1_map.40.pdf>

California Department of Toxic Substances Control (DTSC). 2022. EnviroStor. Available at: <https://www.envirostor.dtsc.ca.gov/public/>

California Department of Transportation (Caltrans). 2008. Scenic Highway Guidelines. October 2008.

California Department of Transportation (Caltrans). 2022. Traffic Volumes: Annual Average Daily Traffic (AADT).

California State Water Resources Control Board. 2012. Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems. June 19th, 2012.

_____. 2015. Geotracker. Available at: <http://geotracker.waterboards.ca.gov/>

_____. 2018. Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTUS Policy) Fact Sheet. August 2018.

County of San Luis Obispo. 2007. San Joaquin Kit Fox Standard Mitigation Ratio Areas. Available at: <https://www.slocounty.ca.gov/getattachment/2c0fc293-eb37-4a0c-af22-5e0992efd025/Kit-Fox-Habitat-Area.aspx>

_____. 2016. 2015/2016 County Bikeways Plan. July 6th, 2016.

_____. 2016. Emergency Operation Plan. December 2016.

_____. 2018. San Luis Obispo County Parks & Recreation Group Day Use & Facilities. Available at: <https://slocountyparks.com/day-use-parks/>

County of San Luis Obispo Department of Planning and Building. 2018. Onsite Wastewater Treatment System Local Agency Management Program. January 18th, 2018.

Department of Conservation (DOC). 2019. San Luis Obispo County Tsunami Inundation Maps. Available at: < https://www.conservation.ca.gov/cgs/tsunami/maps/San-Luis-Obispo>.

Orosz Engineering Group, Inc (OEG). Access and Sight Distance Evaluation and Trip Generation Analysis for August Ridge Winery, Creston, California – Highway 41. June 19, 2006.

Pacific Gas and Electric (PG&E). 2019. Delivering Low-Emission Energy. Available at: <https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page>.

San Luis Obispo Council of Governments (SLOCOG). 2019. Responsibilities. Available at: <https://slocog.org/about/responsibilities>.

United States Geological Survey (USGS). 2019. Areas of Land Subsidence in California. Available at: <https://ca.water.usgs.gov/land_subsidence/california-subsidence-areas.html>

U.S. Fish and Wildlife Service (USFWS). 2019. National Wetlands Inventory Surface Waters and Wetlands. May 5, 2019. Available at: https://www.fws.gov/wetlands/data/Mapper.html

Wallace Group. Ella's Vineyard Winery and Tasting Room Water Use and Offset Analysis. September 1, 2020 and Addendum February 2, 2023.

OEG. Access and Site Distance Evaluation and Trip Generation Analysis. June 19, 2006.

Padre Associates, Inc. Noise Study. September 2020.

Exhibit B - Mitigation Summary

The applicant has agreed to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

AIR QUALITY

AQ-1. To mitigate fugitive dust emissions related to project construction, the following shall be implemented:

n. Reduce the amount of the disturbed area where possible;

o. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;

p. All dirt stock pile areas should be sprayed daily as needed;

q. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;

r. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;

s. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;

t. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

u. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

v. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;

w. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;

x. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;

y. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and

z. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

AQ-2. The required mitigation measures for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment are listed below:

a. Maintain all construction equipment in proper tune according to manufacturer's specifications;

b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle

c. diesel fuel (non-taxed version suitable for use off-road);

d. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation;

e. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;

f. Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;

g. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;

h. Diesel idling within 1,000 feet of sensitive receptors is not permitted;

i. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;

j. Electrify equipment when feasible;

k. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,

l. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

BIOLOGICAL RESOURCES

BIO-1. Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo that states that one or a combination of the following three San Joaquin kit fox compensatory mitigation measures has been implemented:

b. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 2.4 acres (2.4 acres of development multiplied by 1 as a result of an applied 1:1 mitigation ratio) of suitable habitat in the kit fox corridor area (e.g. either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife and the County. This mitigation alternative (a.) requires that all

aspects if this program must be in place before County-permit issuance or initiation of any ground disturbing activities.

d. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Mitigation alternative (b) above can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the CDFW and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy," would total: $6,000 (2.4 x 1 x $2,500). This fee is calculated based on the current cost-per-unit of $2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; actual cost may increase depending on the timing of payment. This fee must be paid after the CDFW provides written notification about your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

e. Purchase credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Mitigation alternative (c) above can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, would total: $6,000 (2.4 x 1 x $2,500).

   This fee is calculated based on the current cost-per-credit of $2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

BIO-2 **Prior to issuance of grading and/or construction permits,** the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

d. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

e. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the

biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

f. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

d. In addition, the qualified biologist shall implement the following measures:
   1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
      d) Potential kit fox den: 50 feet
      e) Known or active kit fox den: 100 feet
      f) Kit fox pupping den: 150 feet

   2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

BIO-3 **Prior to issuance of grading and/or construction permits,** the applicant shall clearly delineate as a note on the project plans, that: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction. In addition, prior to permit issuance and initiation of any ground disturbing activities, conditions BR-3 through BR-10 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BIO-4 **During the site disturbance and/or construction phase,** grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BIO-5 **Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a

worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BIO-6 During the site-disturbance and/or construction phase, any pipes, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BIO-7 During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BIO-8 During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BIO-9 Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BIO-10 During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

BIO-11 Vegetation removal and initial site disturbance shall be conducted between September 1st and January 31st outside of the nesting season for birds. If vegetation and/or tree removal is planned for the bird nesting season (February 1st to August 31st), then preconstruction nesting bird surveys shall be conducted by a qualified biologist and submitted to the County Planning and Building Department prior to ground disturbance activities to determine if any active nests would be impacted by project construction. If no active nests are found, then no further mitigation shall be required.

If any active nests are found that would be impacted by construction, then the nest sites shall be avoided with the establishment of a non-disturbance buffer zone around active nests as determined by a qualified biologist. During all ground disturbing activities, nest sites shall be avoided and protected with the non-disturbance buffer zone until the adults and young of the year are no longer reliant on the nest site for survival as determined by a qualified biologist.

NOISE

N-1 For the life of the project, events with outdoor amplified music shall comply with the recommendations from the Pardre Associates, Inc. Noise Study, prepared for Ella's Vineyard dated September 2020.

N-2 For the life of the project, events with outdoor amplified music/sound may occur between the hours of 2 p.m. and 8 p.m.

N-3 During outdoor events, the applicant shall designate an employee to serve as a noise monitor. For events that include outdoor amplified music/sound, the noise monitor shall monitor noise levels, on an hourly basis, with a sound level meter at the property lines to ensure that the noise levels do not exceed those prescribed in the County Land Use Ordinance. The outdoor amplified music shall not exceed Lmax levels of 65 dB decibels at the property line. The noise monitor shall be available by telephone to respond to any noise complaints and take corrective measures to ensure compliance with the County Land Use Ordinance. The applicant and successors in interest shall provide a telephone number to reach the designated noise monitor to the County and any neighbor who requests it. The telephone number provided shall allow the County and/or neighbor to reach the noise monitor during all events.

N-4 The applicant shall provide notification of events, through an email or letter, to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site. If a letter is used, it shall be delivered within 30 days prior to but not less than 3 days before each event occurrence. The following information shall be provided:

a. A complete listing of all scheduled events including dates, times, and number of attendees;
b. 24-hour contact information for the on-site operator (cell phone), including e-mail and phone number, to be used to notify the operator of issues with the operation;
c. Contact information for County Code Enforcement to be used if members of the public have complaints about the operation;
d. Any identified problems shall be responded to and addressed as soon as possible.

As an alternative to providing the annual listing of the events in a letter, a website may be used. If a website is used, notification shall first be provided by mail and contain the website address,

the 24-hour local contact information and the approved number of events and attendee numbers. The website shall be maintained and kept current at all times.