



Gonzales Minor Use Permit: ED22-143 DRC2019-00221

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.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services
<input checked="" type="checkbox"/> Agriculture & Forestry Resources	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Hydrology & Water Quality	<input type="checkbox"/> Transportation
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Land Use & Planning	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input checked="" type="checkbox"/> Utilities & Service Systems
<input type="checkbox"/> Energy	<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Wildfire
<input checked="" type="checkbox"/> Geology & Soils	<input type="checkbox"/> Population & Housing	<input checked="" type="checkbox"/> 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.

Annika Kiemm, SWCA _____ May 1, 2023
 Prepared by (Print) Signature Date

Eric Hughes _____ May 1, 2023
 Reviewed by (Print) Signature Date
 Eric Hughes, Principal Environmental Specialist

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 **Kelli and Richard Silzer-Gonzales** for a Minor Use Permit (DRC2019-00221) to allow for the construction of an approximately 2,400-square-foot winery facility with a 500-square-foot tasting room. The project includes a request for a modification to the setback requirements for tasting rooms established in Land Use Ordinance (LUO) Section 22.30.070.D.2.d(1) 137 foot setback from the eastern property line. The project would result in the disturbance of approximately 0.42 acre of an 8.06-acre parcel. The project is within the Agriculture (AG) land use category and is located at 1195 Loose Horse Lane, approximately 6.5 miles west of the city of Paso Robles. The project is within the Adelaida sub area of the North County Planning Area.

Expanded Project Description

The project includes the construction of a new 2,400-square-foot winery facility with a 500-square-foot tasting room and other related site improvements, including a new 20-foot-wide driveway, a 50-foot-wide parking area, installation of a septic tank and leach lines, installation of an approximately 30,000-gallon water storage tank (final size will be determined by a Fire Protection Engineer at time of building permits), extension of utility infrastructure, and an additional culvert over the mapped creek located along the eastern portion of the property. The 2,400-square-foot winery facility would consist of a 500-square-foot tasting room, 1,800 square feet of case and barrel storage, and 100 square feet of processing. The proposed winery and tasting room building would be approximately 19 feet in height and would be constructed with earth-toned metal material.

The project includes the construction of a new 20-foot-wide access driveway from Peachy Canyon Road, which would connect to the proposed parking area. The driveway and parking area would be constructed with gravel or paved as required by County code. The parking area would consist of six (6) parking spaces, including one (1) Americans with Disabilities Act (ADA) parking space. A new septic tank, septic leach lines, and winery wastewater processing system (land applications system) would be installed to the north of the proposed winery facility and would be located greater than 100-feet from the existing onsite well and neighboring wells. The project also includes the installation of a new 30,000-gallon water storage tank to the north of the proposed driveway. A culvert would be constructed onsite to alleviate existing runoff conditions

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at the site. The exact size will be determined at the time of construction permits. The culvert would extend from a proposed drainage swale that would be located in the northern portion of the proposed parking area, under Loose Horse Lane via piping, and terminate on the southeastern portion of Loose Horse Lane. The project would require the removal of up to five (5) oak trees for implementation of the proposed project and would install approximately 1,000 square feet of native landscaping.

The proposed winery would have a maximum annual case production of 10,000 cases per year. The winery would participate in standard marketing and sales activities and is not requesting a Special Event Program. The tasting room would be open to the public between 11:00 a.m. to 5:00 p.m. Thursday through Monday year-round. The winery would generate up to eight (8) guests and would consist of up to four (4) employees. Wine production activities would include crushing, fermenting, barrel aging, bottling, and storage and would require both on- and off-site production activities, with most of the processing occurring offsite. The winery would purchase grapes from surrounding vineyards and/or purchase grapes from other local vineyards. The project would primarily include one (1) production-related truck trip per week and up to two (2) truck trips per day during peak wine production periods, which typically occurs late September to early October.

The project would be served by an existing onsite well and would generate an estimated water demand of 100 to 150 gallons per day. Liquid waste generated by wine production activities would be stored in a 1,500-gallon process water tank and disposed of in a land applications system, which treats wastewater. The winery is expected to generate less than 100-gallons of liquid waste per day. The project would require the extension of electrical utility infrastructure to serve the proposed winery. Electricity would be provided by Pacific Gas and Electric Company (PG&E). Solid waste services would be provided by Mid-State Solid Waste and Recycling and the Paso Robles Landfill.

Modifications

The project includes a request for a modification to the setback requirements for tasting rooms established in Land Use Ordinance (LUO) Section 22.30.070.D.2.d(1) to allow for a 137-foot setback from the eastern property line. The setbacks are supported as the parcel is constrained by existing vegetation and Loose Horse Lane, which traverses through the middle of the property and provide access to neighbors.

Baseline Conditions

The project property consists of an 8.06-acre parcel and is characterized by gently sloping to steeply sloping topography. The project area is sited on an east-facing hillside and primarily consists of mixed oak woodland habitat with some existing disturbed and open areas. There is an existing onsite residence located in the southern portion of the property and an existing dirt driveway (Loose Horse Lane) aligned through the central portion of the site. Surrounding land uses include agricultural uses, wineries, and scattered rural residential dwelling and accessory structures. Summit Creek is aligned in a north-south direction through western portion of the parcel and is located approximately 160 feet west of the proposed project site. Summit Creek is a seasonal drainage and is a tributary to the Salinas River.

ASSESSOR PARCEL NUMBER: 039-021-003

Latitude: 35° 36' 07.95" N **Longitude:** 120° 48' 48.63" W **SUPERVISORIAL DISTRICT #** 2

B. Existing Setting

Plan Area: North County **Sub:** Adelaida **Comm:**
Land Use Category: Agriculture

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Combining Designation: Renewable Energy Overlay

Parcel Size: 8.06 acres

Topography: Gently sloping to steeply sloping

Vegetation: Oak woodland

Existing Uses: Single-family residence(s)

Surrounding Land Use Categories and Uses:

North: Agriculture; agricultural uses ;
accessory structures; scattered residences

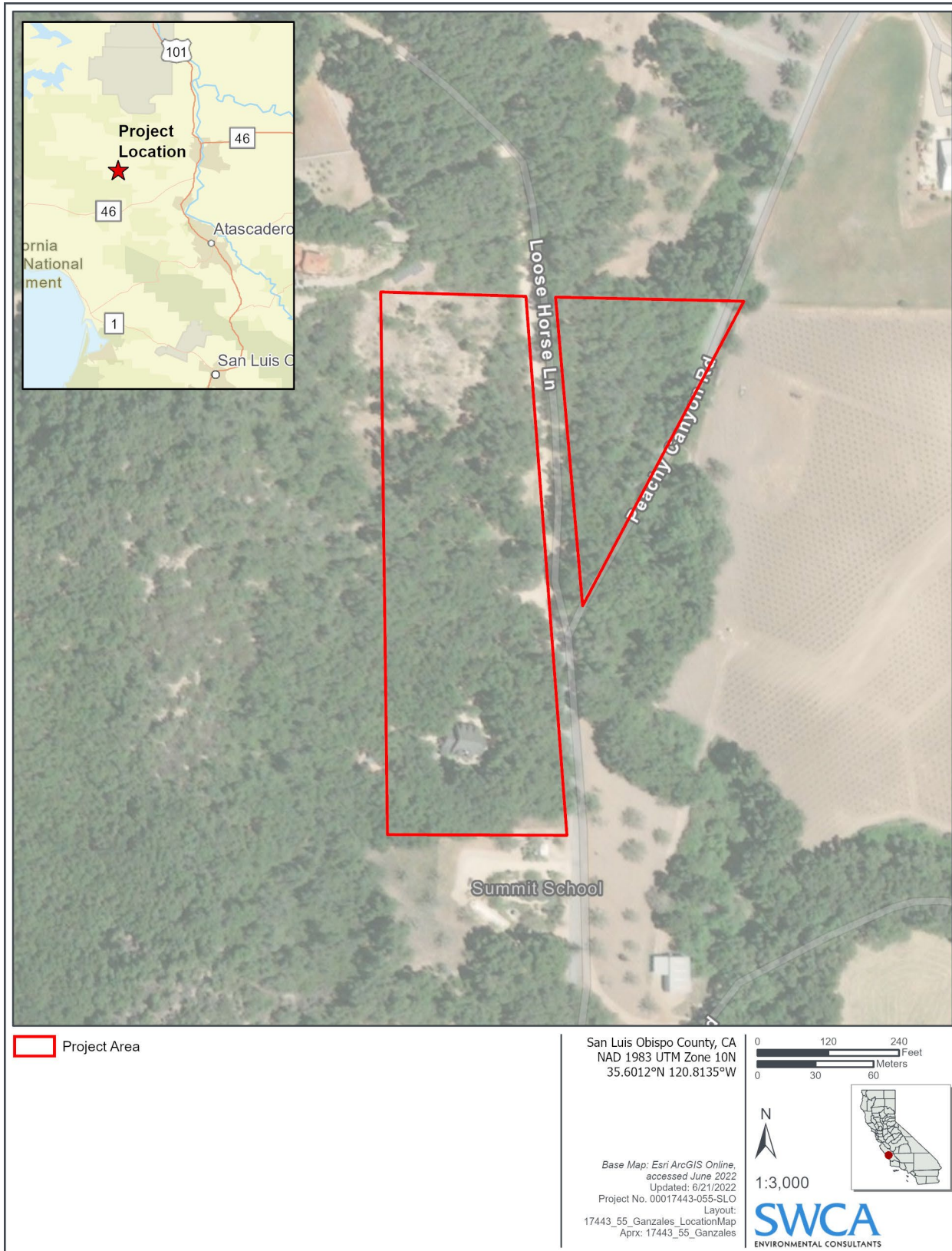
East: Agriculture; vineyard; blue line creek;
scattered residences

South: Agriculture; scattered residences;
accessory structures

West: Agriculture; undeveloped ; oak woodland

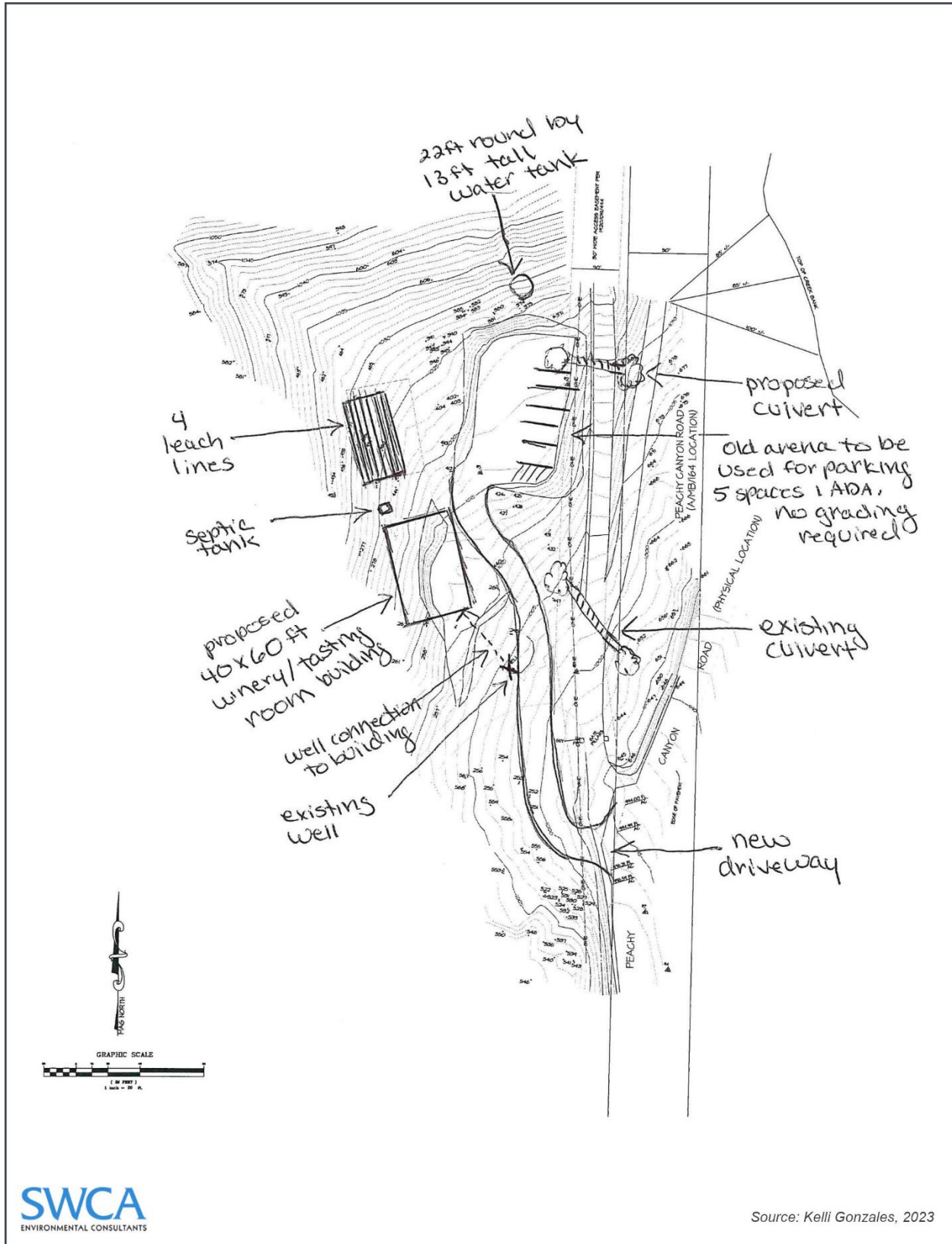
Initial Study – Environmental Checklist

Figure 1. Project Location Map



Initial Study - Environmental Checklist

Figure 2. Site Plan Map



Initial Study – Environmental Checklist

C. Environmental Analysis

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

I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
(a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

California Scenic Highway Program

The California 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. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. Scenic Highways within San Luis Obispo County include US Highway 101 (US 101), State Route 46 (SR 46), portions of State Route 41 (SR 41), State Route 1 (SR 1), and Lake Nacimiento Drive. The project site is located approximately 4 miles northwest of SR 46 and approximately 6.75 miles west of US 101, which at these locations are designated as eligible for designation as a scenic highway (Caltrans 2018).

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County Conservation and Open Space Element

The County of San Luis Obispo General Plan Conservation and Open Space Element (COSE) identifies several goals for visual resources in rural parts of the county, listed below:

- **Goal VR 1:** The natural and agricultural landscape will continue to be the dominant view in rural parts of the county.
- **Goal VR 2:** The natural and historic character and identity of rural areas will be preserved.
- **Goal VR 3:** The visual identities of communities will be preserved by maintaining rural separation between them.
- **Goal VR 7:** Views of the night sky and its constellation of stars will be maintained.

Some of the strategies identified to accomplish the goals listed above include encouraging project designs that emphasize native vegetation and conforming grading to existing natural forms, as well as ensuring that new development follows the Countywide Design Guidelines to protect rural visual and historical character.

County of San Luis Obispo Land Use Ordinance

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), setbacks (LUO 22.10.140), and other visual resource protection policies. In addition, LUO Section 22.30.070.D.2.g provides specific design requirements for wineries, including exterior design standards, screening requirements, height limitations, and exterior lighting requirements. 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 County of San Luis Obispo LUO also defines a Sensitive Resource Area (SRA) combining designation that applies to areas having high environmental quality and special ecological or educational significance. Since these designated areas are considered visual resources by the County, the LUO establishes specific standards for projects located within these areas. The project is not in an SRA combining designation.

Existing Conditions

The project is located in a rural area and supports gently to steeply sloping topography. The project is sited on an east-facing hillside and primarily consists of mixed oak woodland habitat with some existing disturbed and open areas. There is an existing unpaved driveway aligned through the central portion of the project area and an existing residence located to the south of the project area. Surrounding land uses include vineyards, wineries, agricultural uses, and scattered rural residential dwellings.

Discussion

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

A scenic vista is generally defined as a high-quality view displaying good aesthetic and compositional values that can be seen from public viewpoints and may be officially or informally designated by public agencies or other organizations. Vistas are inherently expansive views, usually from an open area or an elevated point. A substantial adverse effect on a scenic vista would occur if the project would significantly degrade the scenic landscape as viewed from public roads or other public areas. The project site is not designated as an SRA by the County's LUO. Roadways within the project area primarily consist of privately maintained roads and the nearest public road that provides views of the project site would be limited to Peachy Canyon Road, located adjacent to the eastern property

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line. Implementation of the project would result in the construction of a new 2,400-square-foot winery and associated site improvements, including a 20-foot-wide driveway, a 50-foot-wide parking area, and installation of an 30,000-gallon water tank. In accordance with LUO Section 22.30.070.D.2.g, the project includes implementation of natural vegetative screening to screen the project from surrounding areas, including Peach Canyon Road. The project would also be required to comply with other design requirements for wineries established in LUO Section 22.30.070.D.2.g to ensure visual consistency with surrounding areas through design, architecture, height, and lighting requirements. Based on required compliance with the County LUO and installation of vegetative screening, implementation of the project would be primarily blocked from public views and would not degrade the scenic landscape as viewed from public roads or other public areas; therefore, 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 site is located approximately 4 miles northwest of SR 46 and approximately 6.75 miles west of US 101, which at these locations are designated as eligible for designation as scenic highways (Caltrans 2018). However, the project site is not visible from SR 46 or US 101 due to distance as well as intervening topography, vegetation, and development. Therefore, the project would not be visible within the viewshed of a designated state scenic highway, and *no impacts* would occur.

- (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 project site is located in a rural area approximately 6.5 miles west of the incorporated city of Paso Robles. The project site is characterized by gently to steeply sloping topography and oak woodlands with some disturbed areas, including an existing unpaved driveway aligned through the central portion of the project area and an existing residence located to the south of the project area. Surrounding land uses include vineyards, wineries, agricultural uses, and scattered rural residential dwellings.

The project would result in the construction of a new winery facility and associated site improvements, including a 20-foot-wide driveway, a 50-foot-wide parking area, and a new 30,000-gallon water tank. The proposed driveway would be located off Peachy Canyon Road, which is a County-maintained, public road. However, the driveway and proposed parking areas would be located at ground level and would be constructed with gravel; therefore, these features would not be easily visible to the public and would be generally consistent with the rural nature of the project area. Aboveground features of the project, including the winery and the 30,000-gallon water tank, would be required to comply with LUO Section 22.30.070.D.2.g, which establishes winery design standards intended to ensure visual consistency with surrounding areas through design, architecture, height, and lighting requirements. The proposed winery facility would be 2,400 square feet in size and would have a maximum height of 19.5 feet. The winery would be constructed with earth-toned metal material and also includes the installation of native landscaping to screen the project from public views. Proposed design features would be consistent with LUO requirements. Based on required compliance with the County's LUO, implementation of the project would not result in adverse architectural or other design features that would detract from the existing visual

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character of the project area as viewed from public areas; therefore, 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 project site is located within a rural area and existing sources of exterior lighting in the area are limited and primarily consists of lighting from the residence located to the south of the project area, surrounding land uses, and intermittent vehicle headlights along nearby roadways. The proposed project would be required to comply with LUO Section 22.30.070.D.2.g(4), which establishes exterior lighting requirements for wineries. This section of the LUO requires all exterior lighting fixtures to be shielded so that light and glare is not visible from any off-site location; requires that all lighting poles, fixtures, and hoods are dark colored; and requires that exterior lighting shall be shielded downward, which would avoid creating a substantial new source of light or glare within the project region. Based on required compliance with the County LUO, potential impacts would be *less than significant*.

Conclusion

The project site is not located within the viewshed of a designated scenic highway. Based on the topography and existing vegetation of the property and required compliance with the County LUO, implementation of the project would not be expected to degrade public views, result in an adverse change in the existing visual character of the project area, or affect day or nighttime views. Therefore, potential impacts related to aesthetic resources would be less than significant, and no mitigation measures would be necessary.

Mitigation

Mitigation is not necessary.

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II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>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:</i></p>				
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

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. According to the California Department of

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Conservation (DOC) Farmland Mapping and Monitoring Program, the project site is located on land designated as Grazing Land (DOC 2016).

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 project site is located within the Agriculture (AG) land use designation and is not subject to a Williamson Act contract.

Chapter 6 of the County COSE identifies resource management goals, policies, and strategies to protect agricultural soils from conversion to urban and residential uses. Important agricultural soils within the county are identified in Table SL-2 of the COSE, and Policy SL 3.1 states that proposed conversion of agricultural lands to non-agricultural uses shall be evaluated using the applicable policies in the COSE and *County of San Luis Obispo General Plan Agriculture Element*.

According to the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) *Soil Survey of San Luis Obispo County, California* and the NRCS Web Soil Survey, the project site is underlain by the following soil types (NRCS 2022):

- **(153) Linne-Calodo complex, 30 to 50 percent slopes.** This well drained soil has a very high runoff class and a depth to restrictive feature of 20 to 40 inches to paralithic bedrock. The typical soil profile includes channery clay loam and weathered bedrock. This soil is not included in Table SL-2 of the County COSE.
- **(154) Linne-Calodo complex, 50 to 75 percent slopes.** This well drained soil has a very high runoff class and a depth to restrictive feature of 20 to 40 inches to lithic bedrock. The typical soil profile includes channery clay loam and weathered bedrock. This soil is not included in Table SL-2 of the County COSE.
- **(189) Rincon clay loam, 9 to 15 percent slopes, Major Land Resource Area (MLRA) 14.** This well drained soil has a very high runoff class and a depth to restrictive feature of more than 80 inches. The typical soil profile includes clay and clay loam. This soil is designated as Other Productive Soils in Table SL-2 of the County COSE.

Forestland is defined in Public Resources Code Section 12220(g) 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. Portions of the project site support dense riparian woodland that provides benefits to wildlife habitat, water quality, and aesthetics.

Timberland is defined in Public Resources Code Section 4526 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 any commercial species used to produce lumber and other forest products, including Christmas trees. The project site does not support any timberland.

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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 is designated as Grazing Land by the FMMP (DOC 2016). Therefore, implementation of the project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use and *no impacts* would occur.

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

The project site is located within the AG land use designation and is not subject to a Williamson Act contract. The proposed winery facility and tasting room is an allowable use within the AG land use category and would be consistent with the existing zoning for agricultural use. Therefore, the project would not 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 within the AG land use designation and does not include land use designations or zoning for forest land or timberland. Therefore, the project would not conflict with or cause rezoning of forestland or land for timber production and *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 forestland; however, the subject property consists of mixed oak woodland habitat and may be considered forestland as defined by Public Resources Code (PRC) Section 12220(g). The project would result in the removal of five oak trees for construction of the proposed winery. Mitigation Measure BIO-7 requires trees that are removed for implementation of the project to be replanted. With implementation of the identified mitigation, implementation of the project would not result in the loss of forestland; therefore, impacts would be *less than significant with mitigation*.

- (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?*

The project site is underlain by three soil types. Only one soil type is included in Table SL-2 of the COSE, which is based on the NRCS soil classification system, as opposed to the FMMP which takes into account historical agricultural practices. This soil is designated as Other Productive Soils. The project site is located within the AG land use category and the proposed winery and tasting room would be consistent with the zoning for agricultural use; therefore, implementation of the project would not result in the conversion of the project site to non-agricultural land uses.

Implementation of the project would not reduce the availability of groundwater for other crops within the project area and would not result in a new source of substantial dust or other emissions that could inadvertently damage crops within the project area. The project would not introduce incompatible land uses or result in other changes to the environment that could indirectly result in

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the conversion of farmland to non-agricultural use or forestland to non-forest use; therefore, potential impacts would be *less than significant*.

Conclusion

Within Implementation of Mitigation Measure BIO-7, 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. With implementation of the identified mitigation, potential impacts related to agricultural and forestry resources would be less than significant.

Mitigation

Implement Mitigation Measure BIO-7 (see Section IV Biological Resources).

III. AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>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:</i>				
(a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Criteria Air Pollutants and Ambient Air Quality 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 (CAA) of 1988. The State Department of Public Health established California Ambient Air Quality Standards (CAAQS) in 1962 to define

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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 (PM₁₀ and PM_{2.5}), ozone (O₃), nitrogen dioxide (NO₂), sulfate, carbon monoxide (CO), sulfur dioxide (SO₂), visibility reducing particles, lead (Pb), hydrogen sulfide (H₂S), 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, NO₂, ozone, PM₁₀ and PM_{2.5}, and SO₂.

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.

San Luis Obispo County Clean Air Plan

The San Luis Obispo County Air Pollution Control District (SLOAPCD) San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term air pollutant 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 particulate matter 10 micrometers or less in diameter (PM₁₀). The CAP presents a detailed description of the sources and pollutants that 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. In order to be considered consistent with the San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP.

SLOAPCD Criteria Pollutant 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. This handbook includes 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 (NO_x), 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. The SLOAPCD has established thresholds of significance for each of these contaminants.

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 (referred to as stationary source emissions). The SLOACPD has established several different methods for determining the significance of project operational impacts:

1. Demonstrate consistency with the most recent CAP for San Luis Obispo County;

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2. Demonstrate consistency with a plan for the reduction of GHG emissions that has been adopted by the jurisdiction in which the project is located that complies with State CEQA Guidelines Section 15183.5;
3. Compare predicted ambient criteria pollutant concentrations resulting from the project to federal and state health standards, when applicable;
4. Compare calculated project emissions to SLOAPCD emission thresholds; and
5. Evaluate special conditions which apply to certain projects.

The SLOAPCD has also estimated the number of vehicular round trips on an unpaved roadway necessary to exceed the 25 pounds per day (lbs/day) threshold of significance for the emission of particulate matter (PM₁₀). According to the SLOAPCD estimates, an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM₁₀ threshold.

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. There is an onsite residence located to the south of the project area and there are three off-site residences located within 1,000 feet of the project site. The nearest off-site residence is located approximately 290 feet north of project area.

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 San Luis Obispo 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 site is not located in an area identified as containing NOA by the SLOAPCD (SLOAPCD 2022).

Discussion

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

In order to be considered consistent with the 2001 San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP (SLOAPCD 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. Implementation of the project would be limited to wine production and tasting room activities. The winery would generate up to four new employees and would be open to the public for tastings between 11:00 a.m. to 5:00 p.m. Thursday through Monday year-round and is anticipated generate up to maximum of eight (8) visitors per day. In addition, the project would require one truck trip per week and up to two truck trips per day during peak wine production periods. The winery would not include a Special Event Program that could generate a substantial number of vehicle trips. The project would not facilitate substantial population growth or additional vehicle trips within the area; therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. As described in detail under

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Impact (b), below, the project would not generate air pollutant emissions above SLOAPCD thresholds during project construction or operation. Therefore, implementation of the proposed project would be consistent with the air quality goals and objectives included in the 2001 CAP, and impacts related to consistency with applicable air quality plans 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 of San Luis Obispo is currently designated as non-attainment for ozone and PM₁₀ under state ambient air quality standards (CARB 2020).

Construction Emissions

Construction activities associated with the proposed access improvements on-site would result in the generation of criteria air pollutants including ozone precursors (reactive organic gases [ROG] and nitrogen oxides [NO_x]) and fugitive dust. Fugitive dust emissions would result from grading operations and ROG and NO_x emissions would result from the use of large diesel-fueled equipment including scrapers, loaders, bulldozers, haul trucks, compressors, and generators. Project grading would result in approximately 0.42 acre of ground disturbance, including approximately 300 cubic yards of cut and fill.

The SLOAPCD *CEQA Air Quality Handbook* provides thresholds of significance for construction-related emissions. 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. The SLOAPCD CEQA Air Quality Handbook clarifies that any project that would require grading of 4.0 acres or more has the potential to exceed the PM₁₀ quarterly threshold of 2.5-tons, listed above. Table 1 shows the project's estimated construction-related emissions in comparison to SLOAPCD thresholds.

Table 1. Proposed Project Estimated Construction Emissions

Pollutant	Screening Emission Rate (pounds/cubic yard)	Total Estimated Emissions	Threshold Quarterly	Threshold Exceeded?
ROG + NO _x (combined)	0.1138	0.048 tons	2.5 tons	No
Diesel Particulate Matter (DPM)	0.0049	0.002 tons	0.13 tons	No

Based on the construction emission estimates above, the project would not exceed SLOAPCD construction emissions thresholds for ROG + NO_x or DPM. In addition, the project would be limited to 0.42 acre of ground disturbance for construction of the proposed project and would not exceed the SLOPCD threshold for PM₁₀.

Operational Emissions

Implementation of the project would result in the operation of a winery, including wine production and tasting room activities. Wine fermentation and storage activities release ROG emissions that could contribute to an exceedance in SLOAPCD thresholds. Wine production activities would include crushing, fermenting, barrel aging, bottling, and storage and would require both on- and off-site production activities, with most of the processing (i.e., fermentation) occurring offsite which would reduce the potential to release substantial ROG emissions. Operational vehicle trips also have the

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potential to generate ROG and NO_x emissions. The winery would continue to participate in standard marketing and sales activities and is not requesting a Special Event Program. Implementation of the project would generate up to four employees and approximately 8 visitors per day. Additionally, the project would require one truck trip per week and may include up to two truck trips per day during peak wine production periods. Therefore, implementation of the project would not generate VMT in a manner that would exceed regional VMT thresholds and or SLOAPCD operational emissions thresholds.

The proposed driveway and parking areas would be constructed with gravel or paved according to County regulations, which could result in operational PM₁₀ emissions. However, based on the limited number of additional vehicle trips generated by the project, vehicle use along the proposed driveway would not be expected to generate a substantial amount of operational dust emissions. Therefore, implementation of the project would not exceed operational PM₁₀ emissions thresholds.

Based on the analysis provided above, potential impacts would be *less than significant*.

(c) *Expose sensitive receptors to substantial pollutant concentrations?*

According to the SLOAPCD *CEQA Air Quality Handbook*, projects that occur within 1,000 feet of sensitive receptors have the potential to result in adverse impacts involving construction emissions. There is an onsite residence located to the south of the project area and there are three off-site residences located within 1,000 feet of the project site with the nearest off-site residence occurring approximately 290 feet north of project area. As evaluated above, the project would not result in construction-related or operational criteria air pollutant emissions above established SLOAPCD thresholds; however, due to the close proximity of sensitive receptor locations, Mitigation Measures AQ-1 and AQ-2 have been identified to ensure compliance with diesel idling restrictions intended to reduce exposure of DPM to sensitive receptors and to reduce fugitive dust emissions near sensitive receptors. With implementation of Mitigation Measures AQ-1 and AQ-2, the project would not expose sensitive receptors to substantial pollutant concentrations; therefore, impacts would be *less than significant with mitigation*.

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

Typically, construction activities have the potential to emit odors from diesel equipment, paints, solvents, fugitive dust, and adhesives. Any odors generated by construction activities would be intermittent and temporary, and generally would not extend beyond the construction area. The project site is not located within an area with the potential for NOA to occur (SLOAPCD 2022). In addition, the project does not require the demolition of any existing on-site buildings or structures that may contain asbestos containing material (ACM) or lead based paint.

Wine production facilities have the potential to generate adverse odors throughout the production process, such as fermentation, storage, and winery wastewater disposal (SLOAPCD 2012). Most of the proposed processing activities, including crushing, fermenting, barrel aging, bottling, and storage would occur offsite, which would reduce the potential to release adverse odors. Onsite processing activities would occur within the proposed winery building, further reducing the potential for the project to emit adverse odors. Liquid waste generated by wine production activities would be stored in a 1,500-gallon process water tank and disposed of in a land applications system to dispose of winery wastewater generated by the project. Therefore, odors generated by the project would be short-term, intermittent, and primarily undetectable and implementation of the project would not

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expose people to other emissions, including adverse odors or NOA and impacts would be *less than significant*.

Conclusion

The project would be consistent with the SLOAPCD 2001 Clean Air Plan and would not exceed established SLOAPCD emissions thresholds during project construction or operation. Mitigation Measures AQ-1 and AQ-2 have been included to reduce DPM and fugitive dust exposure to sensitive receptors during construction. The project would not result on adverse odors or other emissions. Upon implementation of the identified mitigation measures, potential impacts related to air quality would be less than significant.

Mitigation

AQ-1 During all construction activities and use of diesel vehicles, the applicant shall implement the following idling control techniques:

1. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
 - a. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
 - b. Diesel idling when equipment is not in use shall not be permitted;
 - c. Use of alternative fueled equipment shall be used whenever possible; and
 - d. Signs that specify the no-idling requirements shall be posted and enforced at the construction site.
2. California Diesel Idling Regulations. On-road diesel vehicles shall comply with 13 CCR 2485. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - a. Shall not idle the vehicle's primary diesel engine when vehicle is not in use, except as noted in Subsection (d) of the regulation; and
 - b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the no-idling requirement. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

AQ-2 During all construction and ground-disturbing activities, the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans:

1. Reduce the amount of disturbed area where possible.
2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would

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- be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible.
3. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers as needed.
 4. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil-disturbing activities.
 5. Exposed grounds that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established.
 6. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD.
 7. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 9. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114.
 10. "Track out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code (CWC) Section 13304. To prevent track out, designate access points and require all employees, subcontractors, and others to use them. Install and operate a "track-out prevention device" where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked-out soils, the track-out prevention device may need to be modified.
 11. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible.
 12. All PM₁₀ Mitigation Measures required should be shown on grading and building plans.
 13. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the Mitigation Measures as necessary to minimize dust complaints and reduce visible emissions below the SLOAPCD's limit of 20% opacity

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for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork, or demolition.

IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

Federal and State Endangered Species Acts

The Federal Endangered Species Act (FESA) of 1973 provides legislation to protect plant and animal species listed as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS). The California Endangered Species Act (CESA) of 1984 ensures legal protection for plants listed as threatened or endangered by the California Department of Fish and Wildlife (CDFW) and wildlife species formally listed as endangered or threatened. In addition, CDFW 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. CDFW also maintains a Watch List (WL) for species that were previously SSC but no longer merit SSC status, or which do not meet SSC criteria but for which there is concern and a need for additional information to clarify status.

In addition, the California Native Plant Society (CNPS) maintains a list of plant species ranging from presumed extinct to limited distribution, based on the following:

- California Rare Plant Ranks (CRPR)
 - 1A: Plants presumed extirpated in California and either rare or extinct elsewhere
 - 1B: Plants rare, threatened, or endangered in California and elsewhere
 - 2A: Plants presumed extirpated in California, but common elsewhere
 - 2B: Plants rare, threatened, or endangered in California, but more common elsewhere
 - 4: Plants of limited distribution – a watch list
- California Rare Plant Threat Ranks
 - 0.1: Seriously threatened in California
 - 0.2: Moderately threatened in California
 - 0.3: Not very threatened in California

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 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 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.

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California Fish and Game Code

California Fish and Game Code Sections 3511, 4700, 5050 and 5515 identify a Fully Protected classification to identify and provide additional protection to those animals that were rare or faced possible extinction. Fully Protected Species (FPS) may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for scientific research, for relocation of the bird species for the protection of livestock, or if they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (NCCP).

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 the Clean Water Act and the 2015 Clean Water Rule, USACE regulates activities in waters that are jurisdictional by rule in all cases; jurisdictional by rule, as defined; and waters requiring a case-specific evaluation. Traditional navigable waters (TNW), interstate waters, the territorial seas, and impoundments of these waters are jurisdictional by rule. Tributaries and adjacent waters are jurisdictional by rule, if they meet certain definitions as defined in the 2015 Clean Water Rule. Waters such as vernal pools, coastal prairie wetlands, prairie potholes, waters that are within the 100-year flood plain of a TNW, and waters within 400 feet of the high tide line require a case specific evaluation to determine jurisdictional status.

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.

County of San Luis Obispo General Plan 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 several key goals pertaining to biological resources within the county:

- Goal BR 1. Native habitat and biodiversity will be protected, restored, and enhanced.
- Goal BR 2. Threatened, rare, endangered, and sensitive species will be protected.
- Goal BR 3. Maintain the acreage of native woodlands, forests, and trees at 2008 levels.
- Goal BR 4. The natural structure and function of streams and riparian habitat will be protected and restored.
- Goal BR 5. Wetlands will be preserved, enhanced, and restored.
- Goal BR 6. The County's fisheries and aquatic habitats will be preserved and improved.
- Goal BR 7. Significant marine resources will be protected.

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Sensitive Resource Area Designations

The County's LUO 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. The project site is not located in an SRA combining designation.

Biological Report

The *Biological Report for 1195 Loose Horse Lane* was prepared by Althouse and Meade, Inc. (Althouse and Meade) to evaluate the project's potential impacts to biological resources (Althouse and Meade 2019). The Biological Report includes the findings based on background review and a field survey of the project area. The background review included a review of relevant online databases, including the CDFW California Natural Diversity Database (CNDDDB), the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants, USFWS Critical Habitat data, and NRCS soil mapping. The field survey was conducted on July 9, 2019 to identify habitat conditions at the site.

Existing Conditions

The project is located in a rural area and supports gently to steeply sloping topography. The project area is sited on an east-facing hillside and primarily consists of mixed oak woodland habitat with some existing disturbed and open areas. The mixed oak woodland consists of coast live oak (*Quercus agrifolia*) and valley oak (*Quercus lobata*) with other native trees and shrubs, including toyon (*Heteromeles arbutifolia*) and California bay (*Umbellularia californica*). Disturbed and open areas are characterized by exposed, barren areas. There is an existing unpaved driveway aligned through the central portion of the project area and an existing residence located to the south of the project area. Surrounding land uses include vineyards, wineries, agricultural uses, and scattered rural residential dwellings. Summit Creek flows in a north-south direction through the eastern portion of the project property, located approximately 160 feet east of the project area. Summit Creek is a seasonal drainage and is a tributary to the Salinas River.

Special-Status Plants

The background review conducted for the Biological Report identified 66 special-status plant species that have been previously recorded within the project region. Based on the soil and habitat conditions of the project area, the Biological Report determined that there is potential for the following one special-status plant species to occur within the project area:

- **umbrella larkspur (*Delphinium umbracolorum*)** – This species is a CRPR 1B.3 and typically occurs in chaparral, cismontane, moist oak forest, and foothill woodland habitat. The nearest recorded occurrence is located approximately 2.2 miles southwest of the project area (CNDDDB Occ. 65). Based on habitat conditions observed during the field survey, suitable habitat for this species does not occur within the project area (Althouse and Meade 2019).

Special-Status Wildlife

The background review conducted for the Biological Report identified 34 special-status wildlife species that have been previously recorded within the project region. Based on habitat conditions of the project area, the Biological Report determined that there is potential for the following six special-status wildlife species to occur within the project area:

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- **northern California legless lizard (*Anniella pulchra*)** – This species is a California Species of Special Concern (SSC) and typically occurs in friable soils found in a variety of habitats, including coastal dunes, chaparral, and oak woodlands. The nearest recorded occurrence of this species is located 6.8 miles northeast of the project area (CNDDDB Occ. 63). The oak woodland habitat within the project area may support moderately suitable habitat for legless lizard. This species was not observed during field surveys of the project area.
- **pallid bat (*Antrozous pallidus*)** – This species is an SSC and typically occurs in oak woodland habitat and roost in tree cavities. No tree cavities that would be suitable for roosting were observed during the survey of the project area. This species was not observed during field surveys of the project area.
- **lesser slender salamander (*Batrachoseps minor*)** – This species is an SSC and typically occurs in moist habitats, including mixed oak forests. The nearest recorded occurrence of this species is located approximately 3.8 miles southwest of the project area (CNDDDB Occ. 3). Loose soils of the oak woodland forest may provide moderately suitable habitat for this species. This species was not observed during field surveys of the project area.
- **Monterey dusky-footed woodrat (*Neotoma macrotis luciana*)** – This species is an SSC and typically occurs in oak and riparian woodland habitats. The nearest recorded occurrence of this species is located approximately 5 miles northeast of the project area (CNDDDB Occ. 1). The project area supports suitable habitat for this species. This species was not observed during field surveys of the project area.
- **coast range newt (*Taricha torosa torosa*)** – This species is an SSC that occurs in coastal streams with suitable upland habitat. The nearest recorded occurrence of this species is located approximately 180 feet northeast in Summit Creek (CNDDDB Occ. 73). The project area does not support suitable upland habitat for this species. This species was not observed during field surveys of the project area.
- **American badger (*Taxidea taxus*)** – This species is an SSC and is typically found in friable soils where there are abundant food sources. The nearest reported occurrence of this species is located approximately 6.7 miles south of the project area (CNDDDB Occ. 23). The project area supports friable soils and appropriate food sources for this species. This species was not observed during field surveys of the project area (Althouse and Meade 2019).

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?*

Proposed ground-disturbing activities have the potential to result in direct removal of special-status plant species if present within the project site during construction. In addition, proposed construction activities have the potential to result in direct (i.e., take) or indirect (i.e., noise, dust, light pollution) disturbance to special-status wildlife species if present within the project area during project construction. Mitigation Measure BIO-1 has been included to require environmental awareness training for construction personnel to be made aware of potential sensitive biological resources that may occur within the area and avoidance measures for those resources.

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Special-Status Plants

Based on the findings presented in the Biological Report, no umbrella larkspur or other special-status plant species were observed within the project area during the field survey conducted in July 2019 and the project area does not provide suitable habitat for this species (Althouse and Meade 2019). However, the field survey was conducted outside of the appropriate blooming period for umbrella larkspur, which occurs between April and June. Mitigation Measure BIO-2 requires an appropriately timed botanical survey to determine the presence/absence of umbrella larkspur prior to the start of project construction and also identifies the appropriate protocol to be implemented if special-status plant species are observed within the proposed area of disturbance. Mitigation Measure BIO-2 would avoid and/or minimize the potential to adversely affect special-status plant species if present within the project area.

Special-Status Wildlife

Based on the findings presented in the Biological Report, there is potential for six special-status wildlife species to occur within the project area.

Special-Status Reptiles

There is potential for northern California legless lizard to occur within leaf litter found in the oak woodland habitat onsite (Althouse and Meade 2019). The proposed winery and driveway would be sited within previously disturbed areas that consist of exposed dirt, reducing the potential to disturb northern California legless lizard if present onsite. In addition, Mitigation Measure BIO-3 has been included to require preconstruction surveys for this species and identifies the appropriate protocol to be implemented if individuals are found within the project site. Implementation of the identified mitigation measure would avoid and/or minimize the potential to adversely affect northern California legless lizard if present within the project area.

Special-Status Amphibians

The Biological Report identified the potential for lesser slender salamander and coast range newt to occur within the project area. Summit Creek, which may provide suitable breeding habitat for coast range newt, does not flow through the project area. In addition, the project area does not support suitable upland habitat for this species. Therefore, coast range newt is not expected to occur within the proposed area of disturbance and implementation of the project would not result in adverse effects to this species. However, there is potential for lesser slender salamander to occur within the loose soils of the oak woodland forest (Althouse and Meade 2019). As previously identified, the proposed winery and driveway would be sited within previously disturbed areas that consist of exposed dirt, reducing the potential to disturb lesser slender salamander if present onsite. In addition, Mitigation Measure BIO-4 has been included to require preconstruction surveys for this species and identifies the appropriate protocol to be implemented if individuals are found within the project site. Implementation of the identified mitigation measure would avoid and/or minimize the potential to adversely affect lesser slender salamander if present within the project area.

Special-Status Mammals

The Biological Report identified the potential for American badger and Monterey dusky-footed woodrat to occur within the project area. While there are friable soils and appropriate food sources for American badger within the project area, the field survey did not identify any evidence of this species within the project area. Further, the nearest recorded occurrence of this species is located greater than 6 miles from the project area. Therefore, American badger is not expected to occur

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within the proposed area of disturbance and implementation of the project would not result in adverse effects to this species (Althouse and Meade 2019). While the project area supports suitable oak woodland habitat for Monterey dusky-footed woodrat, the field survey did not identify any evidence of this species within the project area. Further, the nearest recorded occurrence of this species is located 5 miles from the project area. Therefore, Monterey dusky-footed woodrat is not expected to occur within the proposed area of disturbance and implementation of the project would not result in adverse effects to this species (Althouse and Meade 2019).

Roosting Bats

The Biological Report identified the potential for roosting bats to occur within the oak woodland habitat; however, during field surveys it was determined that the potential for occurrence is low due to the lack of tree crevices for roosting. Mitigation Measure BIO-5 has been included to require preconstruction surveys for roosting bats and identifies the appropriate protocol to be implemented if individuals are found within the project site. Implementation of the identified mitigation measure would avoid and/or minimize the potential to adversely affect roosting bats if present within the project area.

Migratory Birds

The project area supports oak woodland habitat, which may provide suitable habitat for nesting migratory birds. Mitigation Measure BIO-6 has been included to require preconstruction nesting bird surveys and identifies the appropriate protocol to be implemented if individuals are found within the project site. Implementation of the identified mitigation measure would avoid and/or minimize the potential to adversely affect nesting migratory birds if present within the project area.

Based on the analysis provided above, potential impacts associated with substantial adverse effects on special-status species would be *less than significant with mitigation*.

- (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?*

The project area primarily consists entirely of mixed oak woodland habitat with some existing disturbed and open areas. The project area does not support riparian habitat (Althouse and Meade 2019). The proposed winery and driveway would be sited within previously disturbed areas, reducing the number of oak trees to be removed onsite; however, the project would require the removal of five oak trees. Mitigation Measure BIO-7 has been included to require compensatory replanting of oak trees that are removed. With implementation of Mitigation Measure BIO-7, implementation of the project would not adversely affect the oak woodland habitat onsite; therefore, impacts would be *less than significant with mitigation*.

- (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?*

Summit Creek flows in a north-south direction approximately 160 feet east of the project area. Therefore, implementation of the project would not result in direct disturbance to Summit Creek. However, proposed ground-disturbing activities have the potential to increase erosion onsite that

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could runoff into Summit Creek. The project would disturb less than 1 acre of soils and would not be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the RWQCB. However, the project would be required to comply with LUO Section 22.52.120, which requires the preparation and approval of an Erosion and Sedimentation Control Plan for all construction and grading projects 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. Based on required compliance with the County LUO, implementation of the project would not result in direct or indirect disturbance to Summit Creek; therefore, impacts would be *less than significant*.

- (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?*

According to the CNDDDB, the project site is not located in an area with essential habitat connectivity (CDFW 2022). The project area is surrounded by vineyards, agricultural uses, and scattered rural residences, which would further reduce the potential for use as a wildlife corridor. The project would result in the removal of 5 oak trees; however, the majority of oak woodlands would be retained at the site, which would provide long-term nesting bird habitat within the project area. In addition, Mitigation Measures BIO-6 and BIO-7 would reduce potential impacts to nesting migratory birds and associated habitat by requiring preconstruction surveys for nesting migratory birds and replanting of oak trees removed for implementation of the project. Based on the minimal number of trees to be removed and implementation of the identified mitigation, the project would not reduce the ability for migratory birds to use this site for nesting. Summit Creek is a seasonal creek (i.e., coveys seasonal flows) and would not provide year-round flowing water that would support migratory fish species. In addition, implementation of the project would not result in direct disturbance to Summit Creek and required compliance with LUO Section 22.52.120 would reduce impacts related to an increase in erosion that could runoff and indirectly disturb the creek. Therefore, implementation of the project would not interfere with the movement of migratory fish species. Based on implementation of Mitigation Measures BIO-6 and BIO-7 and required compliance with the County LUO, implementation of the project would not impede the use of this area for wildlife connectivity; therefore, potential impacts would be *less than significant with mitigation*.

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

The County's Inland LUO Chapter 22.58 establishes regulations for clear-cutting oak woodlands. The project area primarily consists of mixed oak woodland habitat with smaller portions of disturbed and open areas. Implementation of the project would require the removal of five oak trees. Mitigation Measure BIO-7 has been included to require compensatory replanting of oak trees that are removed as part of the proposed project. With implementation of Mitigation Measure BIO-7, the project would not conflict with the County's LUO; therefore, impacts would be *less than significant with mitigation*.

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- (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 does not overlap with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other conservation plans. Therefore, the project would not conflict with any approved local, regional, or state habitat conservation plans, and *no impacts* would occur.

Conclusion

Mitigation Measures BIO-1 through BIO-7 have been included to avoid and/or minimize potential impacts related to sensitive biological resources and oak woodland habitat. Based on required compliance with LUO Section 22.52,120, the project would not result in disturbance to Summit Creek or otherwise impede the use of this area for wildlife connectivity. In addition, the project would not conflict with a Habitat Conservation Plan. Upon implementation of the identified mitigation measures, potential impacts related to biological resources would be less than significant.

Mitigation

- BIO-1** Prior to mobilization of any equipment on the project site and installation of project limit fencing/flagging, a qualified Biologist shall conduct an environmental sensitivity training for all project personnel during the project kick-off meeting. The purpose of the training is to educate the personnel on identification of special-status wildlife species that may occur within the project area and to provide an overview of the avoidance and minimization measures to be adhered to during the project. Specifically, the training will emphasize on all special-status wildlife species that would be expected to occur within the project limits, applicable regulatory policies and provisions regarding their protection, and a review of measures being implemented to avoid and/or minimize impacts to the species and their associated habitat. Furthermore, crew members will be briefed on the reporting process in the event that an inadvertent injury should occur to a special-status species during construction.
- BIO-2** Prior to mobilization of any equipment on the project site and installation of project limit fencing/flagging, a qualified Biologist shall conduct a seasonally appropriate botanical survey (between April and June) within the project area or any additional project features that are outside the project area.
- If special status plant species are present within the proposed ground disturbance area, or within a 50-foot buffer, the applicant shall avoid all impacts to the greatest extent feasible. All plans that are submitted to the County shall include specifications for the installation of protective fencing to prevent any inadvertent impacts to all sensitive plants or their habitat. The protective fencing shall be installed prior to any ground disturbing activities, at the direction of the qualified biologist, and shall be maintained by the applicant throughout the entire construction work period at the subject location.
- Should project activities at a site location extend beyond one-year, additional floristic surveys shall be conducted at the location on an annual basis until project construction activities are completed. The results of these surveys shall be submitted to the San Luis Obispo County Department of Planning and Building, United States Fish and Wildlife, and California Department of Fish and Wildlife, as appropriate. A survey buffer of 100 feet should be included to ensure all potential impacts are adequately addressed.

At a minimum, the plan shall include:

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1. Identification of locations, amounts, size and types of plants to be replanted, as well as any other necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful reestablishment. Restoration areas shall be located within open space and conservation easements onsite.
2. Provide for a native plant salvage and seed collection effort prior to ground disturbing activities. Salvaged plants shall include, but not be limited to, special status plant species that may be affected.
3. Quantification of impact based on final plans and quantification of mitigation areas such that the replacement criteria are met.
4. A program schedule and success criteria for a minimum five-year monitoring and reporting program that is structured to ensure the success of the restoration plan.
5. Individuals that are removed or damaged shall be replaced in-kind at a 2:1 ratio (based on square feet cover) within the designated restoration area with 100% success in five years (inclusive of replacement plantings for unsuccessful individuals).

BIO-3

Immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist, a focused preconstruction survey for legless lizards shall be conducted in proposed work areas. The preconstruction survey shall be conducted by a qualified biologist familiar with legless lizard ecology and survey methods. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence of legless lizards in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If legless lizards are found to be present in the proposed work areas the following steps shall be taken:

1. Legless lizards shall be captured by the project biologist and relocated to an appropriate location well outside the project areas.
2. Construction monitoring shall be required for all new ground-breaking activities located within legless lizard habitat. Construction monitors shall capture and relocate legless lizards as specified above.
3. A letter report shall be submitted to the County within 30 days of legless lizard relocation.

BIO-4

Immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist, a focused preconstruction survey for lesser slender salamander shall be conducted in proposed work areas. The survey shall be conducted on foot by a qualified biologist to relocate lesser slender salamanders out of harm's way. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If lesser slender salamanders are found to be present in the work areas, the following steps shall be taken:

1. Lesser slender salamanders shall be captured by the project biologist and relocated to an appropriate location well outside the project areas.

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2. Construction monitoring shall be required for all new ground-breaking activities located within lesser slender salamander habitat. Construction monitors shall capture and relocate lesser slender salamanders as specified above.
3. A letter report shall be submitted to the County within 30 days of lesser slender salamander relocation.

BIO-5

Prior to removal of any trees, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming harbor sensitive bat species or maternal bat colonies. If a non-maternal roost is found, the qualified biologist, with prior approval from California Department of Fish and Wildlife, shall install one-way valves or other appropriate passive relocation method. For each occupied roost removed, one bat box shall be installed in similar habitat and should have similar cavity or crevices properties to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. If a maternity colony is identified during the breeding season (generally April to October) and it cannot be avoided, the Applicant shall consult with CDFW for guidance and shall implement all requirements and recommendations provided by CDFW.

BIO-6

Prior to initiation of any site preparation/construction activities for construction of the proposed project, if work is planned to occur between February 1 and September 15, a County of San Luis Obispo-qualified biologist shall survey the area for nesting birds within 1 week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active, as detailed below.

1. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all exterior construction activities have been terminated for the current phase of work, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
2. If special-status avian species are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County of San Luis Obispo and any relevant resource agencies.

The results of the survey shall be provided to the County of San Luis Obispo Planning and Building Department prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming, the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated, and a separate survey report shall be prepared and submitted to the County of San Luis Obispo Planning and Building Department.

BIO-7

An Oak Tree Impact Assessment and Mitigation Report shall be prepared by a licensed arborist or qualified botanist upon completion of final grading and site plans. This report would assess potential tree removals and impacts to CRZ, and outline protection and mitigation requirements for the project according to County standards. The report shall include compensatory planting onsite of individual oak trees through replanting, maintaining and monitoring replacement plantings for at least seven years. Seedling planting will be based on a minimum replacement ratio of 4:1 for oak trees removed and a minimum replacement ratio of 2:1 ratio for oak trees impacted (i.e., disturbance within the root zone area).

Replacement oak trees shall be from regionally or locally collected seed stock grown in vertical tubes or deep one-gallon tree pots. Four-foot diameter shelters shall be placed over each oak tree to protect it from deer and other herbivores and shall consist of 54-inch tall, welded wire cattle panels (or equivalent material) and be staked using T-posts. Wire mesh baskets, at least two feet in diameter and two feet deep, shall be use below ground. Planting during the warmest, driest months (June through September) shall be avoided.

Replacement oak trees shall be planted no closer than 20 feet on center on average and shall average no more than four planted per 2,000 square feet. Trees shall be planted in random and clustered patterns to create a natural appearance. As feasible, replacement trees shall be planted in a natural setting on the north side of and at the canopy/dripline edge of existing mature native oak trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g., lawns, irrigated areas, etc.). Replanting areas shall be either in native topsoil or areas where native topsoil has been reapplied. Planting locations shall not result in a displacement of existing sensitive plants or habitats.

V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project is located in an area 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 Hokaan-speaking Playanos Salinan, is currently the subject of debate, as those boundaries may have changed over time.

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 habitation, Spanish missionaries, immigrant settlers, and military branches of the United States.

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.

Pursuant to CEQA, a resource included in a local register of historic resources or identified as significant in an historical resource survey shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

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.

The portion of the site proposed development is located on and/or near steeper slopes and does not exhibit qualities typically associated with archaeological resources in the vicinity; including (but not limited to) features such as year-round water resources, habitable camp sites, tool making resources (e.g., rock outcrops), travel corridors (e.g., ridgelines), hunting and gathering resources (e.g., vantage points for observing game), or proximity to known archaeological sites. In addition, it is important to note that the proposed project earth disturbance is limited to the sloped area along the northwestern corner and interior of the subject property, and the areas near Summit Creek will be avoided. As such, the potential for intact archaeological deposits existing on the property is considered to be low.

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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. In accordance with AB 52 Cultural Resources requirements, outreach to the Salinan Tribe of Monterey and San Luis Obispo Counties, *titvu titvu yak tilhini* Northern Chumash, and Northern Chumash Tribal Council occurred on October 10, 2019. The County received a response from Patti Dunton, Tribal Administrator of the Salinan Tribe of Monterey and San Luis Obispo Counties, requesting a Phase 1 Archaeological Study. The Phase 1 Archaeological Study (i.e., records search and surface survey) was conducted by Padre Associates in December 2019. The records search did not reveal any previously recorded cultural resources within a 0.25-mile search radius of the project site. A pedestrian survey of the project site was conducted on December 12, 2019. No cultural resources were observed within the project site. The results of the Phase 1 were sent to the Salinan Tribe of Monterey and San Luis Obispo Counties on April 04, 2023. The Tribe did not have further comment, and the County has not received any other requests for consultation.

Discussion

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

There is an existing residence located to the south of the project site; however, the project would not require the demolition or removal of the existing residence or any other structures. Additionally, the project would not require the use of high-impact construction activities (i.e., pile driving) that could directly or indirectly damage or result in adverse change to a historical building or structure. Since the project would not require the demolition or removal of any existing buildings or structures, implementation of the project would not have the potential to cause a substantial adverse change in the significance of a historical resource; therefore, *no impacts* would occur.

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

Construction activities associated with the project would result in approximately 0.42 acre of ground disturbance, including 300 cubic yards of cut and fill. Per the results of the Phase I Study, there are no known archaeological resources located within the project site or within a 0.25 mile of the project site; however, there is still some potential for inadvertent discovery of unknown cultural resources if present within the proposed work area. The project would be required to comply with LUO Section 22.10.040 for the protection of unknown cultural resources as a result of inadvertent discovery. Per LUO Section 22.10.040, in the event an unknown cultural resource site is encountered, all work within the vicinity of the find must be halted until a qualified archaeologist is retained to evaluate the nature, integrity, and significance of the find. Based on required compliance with the County's LUO, the project is not anticipated to result in adverse impacts to known or unknown cultural archaeological resources and impacts would be *less than significant*.

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

The project would require ground disturbance and excavation activities which could uncover or disturb unknown human remains if present within the project area. The project would be required to comply with California Health and Safety Code Section 7050.5 and LUO Section 22.10.040, which identifies the proper protocol in the event of inadvertent discovery of human remains, including the

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cessation of work within the vicinity of the discovery, identification of human remains by a qualified coroner, and if the remains are identified to be of Native American descent, contact with the Native American Heritage Council (NAHC). Based on required compliance with Health and Safety Code Section 7050.5 and LUO Section 22.10.040, implementation of the proposed project is not anticipated to disturb human remains; therefore, potential impacts would be *less than significant*.

Conclusion

Based on required compliance with Health and Safety Code Section 7050.5 and LUO Section 22.10.040, implementation of the proposed project is not anticipated to disturb unknown cultural resources. Therefore, potential impacts related to cultural resources would be less than significant, and no mitigation would be necessary.

Mitigation

Mitigation is not necessary.

VI. ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. PG&E utilizes clean energy sources, including 50% from renewable energy sources and 43% from other greenhouse gas (GHG) free energy sources (PG&E 2021).

PG&E offers two programs through which consumers may purchase electricity from renewable sources: the Solar Choice program and the Regional Renewable Choice program. Under the Solar Choice program, a customer remains on their existing electric rate plan and pays a modest additional fee on a per kilowatt-hour (kWh) basis for clean solar power. The fee depends on the type of service, rate plan, and enrollment level. Customers may choose to have 50% or 100% of their monthly electricity usage to be generated via solar projects. The Regional Renewable Choice program enables customers to subscribe to renewable energy from a specific community-based project within PG&E's service territory. The Regional Renewable Choice program allows a customer to purchase between 25% and 100% of their annual usage from renewable sources.

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The Southern California Gas Company (SoCalGas) is the primary provider of natural gas for urban and rural communities within San Luis Obispo County. SoCalGas has committed to replacing 20% of its traditional natural gas supply with renewable natural gas by 2030 (Sempra 2019).

State Building Code Requirements

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.

Vehicle Fuel Economy Standards

In October 2012, the U.S. Environmental Protection Agency (USEPA) and the National Highway Traffic Safety Administration (NHTSA), on behalf of the U.S. Department of Transportation (USDOT), issued final rules to further reduce GHG emissions and improve corporate average fuel economy (I) standards for light-duty vehicles for model years 2017 and beyond. NHTSA's I standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. This program would increase fuel economy to the equivalent of 54.5 miles per gallon (mpg) limiting vehicle emissions to 163 grams of carbon dioxide (CO₂) per mile for the fleet of cars and light-duty trucks by the model year 2025.

In January 2017, USEPA Administrator Gina McCarthy signed a Final Determination to maintain the current GHG emissions standards for the model year 2022–2025 vehicles. However, on March 15, 2017, USEPA Administrator Scott Pruitt and USDOT Secretary Elaine Chao announced that the USEPA intends to reconsider the Final Determination. On April 2, 2018, USEPA Administrator Pruitt officially withdrew the January 2017 Final Determination, citing information that suggests that these current standards may be too stringent due to changes in key assumptions since the January 2017 Determination. According to the USEPA, these key assumptions include gasoline prices and overly optimistic consumer acceptance of advanced technology vehicles. The April 2nd notice is not USEPA's final agency action, and the USEPA intends to initiate rulemaking to adopt new standards. Until that rulemaking has been completed, the current standards remain in effect.

As part California's overall approach to reducing pollution from all vehicles, the CARB has established standards for clean gasoline and diesel fuels and fuel economies of new vehicles. CARB has also put in place innovative programs to drive the development of low-carbon, renewable, and alternative fuels, such as their Low Carbon Fuel Standard (LCFS) Program pursuant to California Assembly Bill (AB) 32 and the Governor's Executive Order S-01-07.

In January 2012, the CARB approved the Advanced Clean Cars Program, which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires a battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to

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15% of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34% fewer global warming gases and 75% fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2022).

All self-propelled off-road diesel vehicles 25 horsepower (hp) or greater used in California and most two-engine vehicles (except on-road two-engine sweepers) are subject to the CARB's Regulation for In-Use Off-Road Diesel Fueled Fleets (Off-Road regulation). This includes vehicles that are rented or leased (rental or leased fleets). The overall purpose of the Off-Road regulation is to reduce emissions of NO_x and particulate matter from off-road diesel vehicles operating within California through the implementation of standards including, but not limited to, limits on idling, reporting and labeling of off-road vehicles, limitations on use of old engines, and performance requirements.

Local Energy Plans and Policies

The County has adopted a Conservation and Open Space Element (COSE) that 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. This element 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.

The EWP established the 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 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 Area 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?*

The project would require the use of fossil fuels, electricity, and natural gas for construction vehicles and equipment during construction of the proposed winery and associated site improvements.

Proposed energy use during construction would be short-term and limited in scale and would not

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result in unnecessary, wasteful, or inefficient energy consumption. Although not necessary to reduce energy use during construction, Mitigation Measure AQ-1 included in Section III, *Air Quality*, has been identified to ensure compliance with state and local diesel-idling restrictions and the use of alternative fuels as applicable, which would ensure avoidance of unnecessary, wasteful, and inefficient energy consumption during construction; therefore, energy consumed during construction would be temporary and would not represent a significant or wasteful demand on available resources.

Implementation of the project would result in the operation of a 2,400-square-foot winery facility, which would include wine production activities and visitor-serving uses. Operational electricity needs would be provided by PG&E, which sources 50% of its energy from renewable energy sources and 43% of its energy from other greenhouse-gas free energy sources (PG&E 2021). Additionally, natural gas service would be provided by SoCalGas, which has committed to replacing 20% of its traditional natural gas supply with renewable natural gas by 2030 (Sempra 2019). By using electricity from PG&E and natural gas from SoCalGas, the project would reduce the long-term use of non-renewable energy resources.

The project would result in approximately 8 visitors and up to four employees travelling to the site per day. In addition, the project would generate a limited number of truck trips, including one truck trip per week and up to two truck trips per day during peak wine production periods. As a result, operational vehicle trips associated with implementation of the project would be limited and would not result in unnecessary, wasteful, or inefficient energy use during.

Proposed building design would be required to adhere to Title 24 of the California Energy Code (CEC) and CBC 2019 Building Energy Efficiency Standards to further reduce operational energy use through implementation of green building and energy efficient building design features. Based on the use of clean energy sources and required compliance with the CEC and the CBC, operation of the project would not result in potentially significant environmental impacts due to wasteful or otherwise inefficient use of energy resources. Therefore, the project would not result in unnecessary, wasteful, or inefficient energy use during project construction or operation, and impacts would be *less than significant*.

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

As previously evaluated, proposed construction activities would require the use of energy in the form of diesel fuel and gasoline for worker and construction vehicles and equipment. The energy consumed during construction would be temporary and would not represent a significant or wasteful demand on available resources, which would be consistent with applicable renewable energy plans.

In order to be compliant with the County's COSE and EWP, the project would be required to reduce GHG emissions where feasible in energy consumption. The project would be provided electricity by PG&E, which sources energy from clean energy resources, including 50% from renewable energy sources and 43% from other greenhouse-gas free energy sources (PG&E 2021). By utilizing PG&E for electricity, 93% of the project's electricity demand would be sourced from renewable energy or GHG-free energy sources, which is consistent with the County's COSE and EWP. Further, the project would be required to comply with Title 24 of the CEC and CBC 2019 Building Energy Efficiency Standards to ensure compliance with energy efficient building design to reduce operational energy use.

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The project site is located within the Renewable Energy Overlay (RE) combining designation. The project does not include the construction of SEFs or other renewable energy facilities that would be applicable to permit streamlining or development standard included in LUO Section 22.14.100. The RE combining designation does not include development standards that would limit the development of parcels within this designation to only renewable energy facilities but rather identifies areas within the county where renewable energy production may be favorable.

Based on required compliance with the CEC and CBC and the use of electricity and natural gas from clean energy sources, the project would be compliant with applicable energy efficiency plans and impacts would be *less than significant*.

Conclusion

The project would be provided energy from GHG-free sources and would be subject to Title 24 of the CEC and CBC 2019 Building Energy Efficiency Standards for energy efficient building design. The project would not result in excessive energy use during construction or operation and would be consistent with applicable energy efficiency plans. Therefore, impacts would be less than significant, and no mitigation is necessary.

Mitigation

Mitigation is not necessary.

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (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 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 State of California Alquist-Priolo Fault Zoning 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 the pier at 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 project site is located in excess of 15 miles from mapped Alquist-Priolo fault zones within the county (DOC 2015).

The County's Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity in the county. The project site is located approximately 4.75 miles west of an unnamed quaternary fault associated with the Rinconada fault zone and approximately 11 miles east of the Oceanic Fault (DOC 2015).

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

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. The project site is not located within the LUO Geologic Study Area (GSA) combining designation. 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. Liquefaction is the sudden loss of soil strength due to a rapid increase in soil pore water pressures resulting from ground shaking during an earthquake. According to the County's General Plan Safety Element Maps, the project site is located in an area with moderate landslide potential and low liquefaction potential.

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. Typically, soils that are comprised of clay or clay materials are considered expansive soils. The project site is underlain by Linne-Calodo complex, 30 to 50 percent slopes; Linne-Calodo complex, 50 to 75 percent slopes; and Rincon clay loam, 9 to 15 percent slopes (NRCS 2022). These soils contain clay and clay materials and would be considered to have high shrink/swell potential.

The County Local Agency Management Program (LAMP) develops minimum standards for the treatment and disposal of sewage through onsite wastewater treatment systems. The LAMP is the culmination of the actions required by Assembly Bill 885 and the State Water Resources Control Board to develop regulations and standards for onsite wastewater treatment systems. The County of San Luis Obispo LAMP is designed to protect surface water and groundwater from contamination while providing flexibility in design criteria in consideration of local conditions. LAMP standards also include requirements for minimum subdivision parcel size for parcels served by septic systems.

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 and 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.

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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.*

The project site is not located within the vicinity of an Alquist-Priolo fault zone (DOC 2015); therefore, the project would not result in risk of loss, injury, or death related to rupture of a known Alquist-Priolo fault zone and *no impacts* would occur.

(a-ii) *Strong seismic ground shaking?*

The Central Coast is a seismically active region and there is always potential for seismic ground shaking to occur. The project site is located approximately 4.75 miles west of an unnamed quaternary fault associated with the Rinconada fault zone and approximately 11 miles east of the Oceanic Fault (DOC 2015). Occupiable buildings would be required to be constructed in accordance with seismic design standards included in Section 1613 of the 2019 CBC and other engineering standards to adequately withstand earthquake loads and associated risk, including seismic ground shaking. Adherence to the 2019 CBC and other applicable engineering standards would reduce and minimize the risk of loss, injury, or death associated with seismic ground shaking; therefore, impacts would be *less than significant*.

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

According to the County's General Plan Safety Element Maps, the proposed project site is located in an area with low potential for liquefaction. Proposed construction of occupiable buildings would be required to comply with seismic design standards included in Section 1613 of the 2019 CBC and other engineering standards to adequately withstand earthquake loads and associated risk, including liquefaction. Adherence to the 2019 CBC and other applicable engineering standards would reduce and minimize the risk of loss, injury, or death associated with liquefaction; therefore, impacts would be *less than significant*.

(a-iv) *Landslides?*

The project site and surrounding area is characterized by gently to steeply sloping topography and the project site would be located in a gently sloping portion of the site. According to the County's General Plan Safety Element Maps, the project site is located in an area with moderate landslide risk. The project would be required to comply with the most recent CBC and applicable engineering standards and practices to adequately withstand and minimize risk associated with landslides during construction and operation of the project. The project includes the implementation of a retaining wall, which would be constructed in accordance with Section 18 of the CBC to ensure stability against landslide and other ground failures within the project area. In addition, the project would not require deep excavation that could increase risk of landslide within the project area. Based on required compliance with the CBC and other applicable engineering standards and practices, new development would not result in the risk of loss, injury, or death associated with landslides; therefore, impacts would be *less than significant*.

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

The project would require approximately 0.42 acre of ground disturbance, including 300 cubic yards of cut and fill. Proposed ground disturbance has the potential to increase erosion and loss of topsoil at the project site that could runoff into Summit Creek located approximately 160 feet east of the project area and to surrounding areas. Per LUO Section 22.52.120, an Erosion and Sedimentation Control Plan is required for all construction and grading projects to minimize potential short- and long-term impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. The project does not include establishment of vineyards, cropland, or other activities that could increase the potential for long-term erosion or loss of topsoil at the project site. Based on required compliance with the RWCQB and LUO Section 22.52.120, potential impacts related to soil erosion and loss of topsoil would be *less than significant*.

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

As previously described, the project site is located in an area with moderate potential for landslide and low potential for liquefaction to occur. The project site is not located in an area with known land subsidence (USGS 2022). The project would be constructed in accordance with the most recent CBC and applicable engineering standards and practices to adequately withstand and minimize risk associated with potential ground-failure events during construction and operation of the project; therefore, potential impacts related to ground failure 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?*

Soils at the project site contain clay and clay components and would be considered to have potential for soil expansion to occur. The project would be required to comply with Section 18 of the CBC, which requires geotechnical investigations to be conducted by a qualified engineer prior to development to determine soil conditions at the site and provide design recommendations based on those conditions to be implemented in final design and construction plans. Based on required compliance with the CBC, new development would not result in the risk to life or property as a result of development on expansive soils; therefore, impacts 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?*

The proposed project includes the installation of an on-site septic system, including the construction of a septic tank and leach lines to the north of the proposed winery. The septic leach field would be located greater than 100-feet from the existing onsite and offsite wells and would be required to be designed and constructed in accordance with the County's LAMP, which develops minimum standards for the treatment and disposal of sewage through onsite wastewater treatment systems. Final design of the proposed septic 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, the proposed on-site septic system would be designed in a manner that is consistent with soil conditions at the site; therefore, impacts would be *less than significant*.

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

The project site is underlain by the Monterey Formation (Tml), which consists of Miocene-age shale and is known to yield marine fossils (USGS 2006). The Monterey Formation has a high paleontological sensitivity based on the large number of marine mammal fossils that have been recovered from this geologic unit (SWCA 2003). The project would be limited to approximately 0.42 acre of ground disturbance, including 300 cubic yards of cut and fill and would primarily be located within the footprint of existing on-site structures; therefore, the project is not expected to encounter any paleontological resources during ground-disturbing activities. Based on the high paleontological sensitivity of the project area, Mitigation Measures GEO-1 and GEO-2 have been identified to require paleontological resources awareness training prior to ground disturbing activities and identifies the proper protocol in the unlikely event a paleontological resource is uncovered during project activities. Based on the limited amount of proposed ground disturbance and implementation of Mitigation Measures GEO-1 and GEO-2, the proposed project would not disturb paleontological resources; therefore, impacts would be *less than significant with mitigation*.

Conclusion

Based on required compliance with the most recent CBC and other engineering standards, the project would not result in risk of loss, injury, or death associated with seismic activity, ground-failure, or development on expansive soils. Based on required compliance with LUO Section 22.52.120, impacts related to a short-term increase in erosion would be less than significant. The proposed septic leach field would be required to be designed in accordance with the County's LAMP and the final design would be subject to County approval. Mitigation Measures GEO-1 and GEO-2 have been included to reduce the potential to disturb paleontological resources. Therefore, upon implementation of the identified mitigation, potential impacts related to geology and soils would be less than significant.

Mitigation

GEO-1 Paleontological Resources. Prior to the start of any ground-disturbing activities at the project site, a County-approved paleontologist shall conduct a paleontological resources awareness training for all project personnel during the project kick-off meeting. The purpose of the training is to educate the personnel on the sensitivity of underlying geologic unit and identification of paleontological resources that may occur within the project area. Furthermore, crew members shall be briefed on the protocol to be followed in the event of inadvertent discovery of paleontological resources.

GEO_2 During ground-disturbing activities, if any paleontological resources are encountered, activities in the immediate area of the find shall be halted. A qualified paleontologist shall be retained to evaluate the discovery and whether the encountered resource is significant and if it should be avoided or recovered for its data potential. The paleontologist shall recommend appropriate treatment options pursuant to guidelines developed by the Society of Vertebrate Paleontology. A paleontological resource impact mitigation program for treatment of the resource shall be developed and implemented if paleontological resources are encountered and determined to be significant. If deemed significant, the paleontological resource(s) shall be salvaged and deposited in an accredited and permanent scientific institution where they will be properly curated and preserved.

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VIII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Greenhouse gasses (GHGs) are any gases that absorb infrared radiation in the atmosphere. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO₂), methane (CH₄), nitrogen oxides (NO_x), 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 (CO₂) 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 California Air Resources Board (CARB), transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

In October 2008, the CARB published the *Climate Change Proposed Scoping Plan*, which is the state’s plan to achieve GHG reductions in California required by Assembly Bill (AB) 32. The Scoping Plan included CARB-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 CARB to regulate sources of GHGs to meet the following goals:

- Reduce GHG emissions to 1990 levels by 2020;
- Reduce GHG emissions to 40% below 1990 levels by 2030;
- Reduce GHG emissions to 80% below 1990 levels by 2050.

The initial Scoping Plan was first approved by CARB on December 11, 2008, and is updated every 5 years. The first update of the Scoping Plan was approved by the CARB 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 CARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change

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Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

When assessing the significance of potential impacts for CEQA compliance, an individual project's GHG emissions will generally not result in direct significant impacts 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. Accordingly, in March 2012, the SLOAPCD approved thresholds for GHG impacts which were incorporated into their 2012 CEQA Air Quality Handbook. The Handbook recommended applying a 1,150 MTCO₂e per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a 'gap analysis' and was used for CEQA compliance evaluations to demonstrate consistency with the state's GHG emission reduction goals associated with AB32 and the 2008 Climate Change Scoping Plan which have a target year of 2020. However, in 2015, the California Supreme Court issued an opinion in the case of *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch") that determined that AB 32 based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. Since the bright-line and service population GHG thresholds in the Handbook are AB 32 based, and project horizons are now beyond 2020, the SLOAPCD no longer recommends the use of these thresholds in CEQA evaluations. Instead, the following threshold options are recommended for consideration by the lead agency:

- **No-net Increase:** The 2017 Scoping Plan states that no-net increase in GHG emissions relative to baseline conditions "*is an appropriate overall objective for new development*" consistent with the Court's direction provided by the Newhall Ranch case. Although a desirable goal, the application of this threshold may not be appropriate for a small project where it can be clearly shown that it will not generate significant GHG emissions (i.e., *de minimus*: too trivial or minor to merit consideration).
- **Lead Agency Adopted Defensible GHG CEQA Thresholds:** Under this approach, a lead agency may establish SB 32-based local operational thresholds. As discussed above, SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030. According to the *California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators* published by the California Air Resources Board, emissions of GHG statewide in 2017 were 424 million MMTCO₂e, which was 7 million MTCO₂e below the 2020 GHG target of 431 MMTCO₂e established by AB 32. Therefore, application of the 1,150 MTCO₂e Bright Line Threshold in San Luis Obispo County, together with other local and State-wide efforts to reduce GHG emissions, proved to be an effective approach for achieving the reduction targets set forth by AB32 for the year 2020. It should be noted that the 1,150 MTCO₂e per year Bright Line Threshold was based on the assumption that a project with the potential to emit less than 1,150 MTCO₂e per year would result in impacts that are less than significant and less than cumulatively considerable impact and would be consistent with state and local GHG reduction goals.

Since SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030, the application of an interim "bright line" SB32-based working threshold that is 40 percent below the 1,150 MTCO₂e Bright Line threshold ($1,150 \times 0.6 = 690$ MTCO₂e) would be expected to produce comparable GHG reductions "in the spirit of" the targets established by SB32. Therefore, for the purpose of evaluating the significance of GHG emissions for a project after 2020, emissions estimated to be less than 690 MTCO₂e per year GHG are considered *de minimus* (too trivial or minor to merit consideration), and will have a less than significant impact that is less than cumulatively considerable and consistent with state and local GHG reduction goals.

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Discussion

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

During construction, fossil fuels and natural gas would be used by construction equipment and worker vehicles, which would result in a short-term increase in GHG emissions. GHG emissions generated during construction would be temporary in nature and would be typical of other similar construction activities in the county. Construction contractors would be required to comply with state and local diesel-idling limitations, including limiting idling to 5 minutes or less, which would reduce GHG-emissions during equipment and vehicle use during construction. Although not required to reduce construction-related GHG-emissions, Mitigation Measure AQ-1 included in Section III, *Air Quality*, would require diesel idling restrictions and the use of alternative fuel as applicable. Based on required compliance with diesel-idling restrictions, construction of the proposed project would not generate substantial greenhouse gas emissions in a manner that would have a significant effect on the environment.

Implementation of the project would result in the operation of a 2,400-square-foot winery facility and would generate up to four additional employees and approximately 8 visitors per day. In addition, the project would result in one truck trip per week and up to two truck trips per day during peak wine production periods. Further, the winery would be constructed in accordance with Title 24 of the CEC and CBC 2019 Building Energy Efficiency Standards to reduce operational energy use, which would also reduce operational GHG emissions from energy use. The project would be provided electricity by PG&E, which sources 50% of its energy from renewable energy sources and 43% of its energy from other greenhouse-gas free energy sources (PG&E 2021). By utilizing PG&E for electricity, 93% of the project's electricity demand would be sourced from GHG-free energy sources. Based on the limited number of new vehicle trips and required compliance with the CEC and the CBC, and proportional electricity from GHG-free sources, the project would not result in substantial GHG emissions that could result in adverse environmental impacts; therefore, potential impacts 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?*

Implementation of the project would result in the operation of a 2,400-square-foot winery facility within the AG land use category. Energy inefficiency contributes to higher GHG emissions which in turn may conflict with state and local plans for energy efficiency.

As discussed above, the EWP, adopted in 2011, serves as the County's GHG reduction strategy. The GHG-reducing policy provisions contained in the EWP were prepared for the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan, which have a horizon year of 2020. The policy provisions are divided into community-wide measures and measures aimed at reducing GHG emissions associated with County operations. The GHG reduction measures contained in the EWP are generally programmatic and intended to be implemented at the community level. Measure No. 7 encourages energy efficient new development and provides incentives for new development to exceed CALGreen energy efficiency standards. The following is a summary of project consistency with the relevant supporting actions identified in Measure No. 7 for promoting energy efficiency in new development (Table 2).

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Table 2. EnergyWise Plan Measure 7 Consistency Analysis.

Supporting Action	Project Consistency
Require the use of energy-efficient equipment in all new development, including but not limited to Energy Star appliances, high-energy efficiency equipment, heat recovery equipment, and building energy management systems.	Proposed occupiable buildings would be required to be consistent with all 2019 California Building Code (CBC) Energy Efficiency Standards, CEC, and the 2019 Green Building Code standards to ensure new development is energy efficient.
Encourage new projects to provide ample daylight within the structure through the use of lighting shelves, exterior fins, skylights, atriums, courtyards, or other features to enhance natural light penetration.	The winery would be designed with earth tone colors and would include design features that would allow for natural light penetration. In addition, the project would be required to be constructed in accordance with all 2019 California Building Code (CBC) Energy Efficiency Standards, CEC, and the 2019 Green Building Code standards to ensure new development is energy efficient.
Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index (SRI) of 10 for high-slope roofs and 64 for low-slope roofs (CALGreen 5.1 Planning and Design).	
Minimize heat gain from surface parking lots.	The proposed parking lot would be constructed with gravel and would not include dark colors that could contribute to substantial heat gain.
Use light-colored aggregate in new road construction and repaving projects adjacent to existing cities and in some of the communities north of the Cuesta Grade.	The proposed driveway and parking area would be constructed with gravel and would not include dark colored aggregate. The final driveway design would be subject to review and approval by County Public Works.

The 2019 RTP, which was adopted by the SLOCOG Board in June 2019, includes the region's Sustainable Communities' Strategy, and outlines how the region will meet or exceed its GHG reduction targets by creating more compact, walkable, bike-friendly, transit-oriented communities, preserving important habitat and agricultural areas, and promoting a variety of transportation demand management and system management tools and techniques to maximize the efficiency of the transportation network. The RTP and SCS provide guidance for the development and management of transportation systems county-wide to help achieve, among other objectives, GHG reduction goals. The RTP/SCS recommend strategies for community planning such as encouraging mixed-use, infill development that would facilitate the use of modes of travel other than motor vehicles.

As discussed in Section III, *Air Quality*, implementation of the project would be limited to wine production and tasting room activities. The winery would generate up to four additional employees and would be open to the public between 11:00 a.m. to 5:00 p.m. Thursday through Monday year-round and would generate up to 8 visitors per day and includes up to four employees. In addition, the project would require one truck trip per week and may include up to two truck trips per day during peak wine production periods. The winery would not include a Special Event Program that could generate a substantial number of vehicle trips. Therefore, the project would not facilitate substantial population growth or additional vehicle trips within the area and land use planning strategies such as mixed-use development and planning compact communities are generally not applicable.

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Pursuant to AB 32, the California Air Resources Board (CARB or Board) prepared and adopted the initial Scoping Plan to “*identify and make recommendations on direct emissions reductions measures, alternative compliance mechanisms, market-based compliance mechanisms, and potential monetary and non-monetary incentives*” in order to achieve the 2020 goal, and to achieve “*the maximum technologically feasible and cost-effective GHG emissions reductions*” by 2020 and maintain and continue reductions beyond 2020. AB 32 requires CARB to update the Scoping Plan at least every five years.

The 2017 Climate Change Scoping Plan recommends strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05. These strategies include the following:

- Implement SB350 which is aimed at Reduce GHG emissions in the electricity sector;
- 2030 Low Carbon Fuel Standard (LCFS) – Transition to cleaner/less-polluting fuels that have a lower carbon footprint.
- 2030 Mobile Source Strategy (Cleaner Technology and Fuels [CTF] Scenario) – Reduce GHGs and other pollutants from the transportation sector through transition to zero-emission and low-emission vehicles, cleaner transit systems and reduction of vehicle miles traveled.
- Implement SB 1383 which is aimed at reducing Short-Lived Climate Pollutants to reduce highly potent GHGs.
- Implement the 2030 California Sustainable Freight Action Plan aimed at improving freight efficiency, transition to zero emission technologies, and increase competitiveness of California’s freight system.
- Implement the 2030 Post-2020 Cap-and-Trade Program which is aimed at reducing GHGs across the largest GHG emissions sources.

The strategies described in the 2017 Scoping Plan are programmatic and intended to be implemented state-wide and industry wide. They are therefore not applicable at the level of an individual project. However, as discussed in Section XVII, *Transportation*, the project would not exceed existing VMT thresholds during construction or operation, which is consistent with Scoping Plan strategies for reducing vehicle miles traveled and transportation related GHG emissions. Overall, the project is consistent with adopted plans and policies aimed at reducing GHG emissions and impacts would be *less than significant*.

Conclusion

The project would be compliant with GHG reduction standards during construction and operation through compliance with diesel idling restrictions, CEC and green building standards, and other applicable GHG-reduction strategies. Although not required to reduce GHG emissions during project construction, implementation of Mitigation Measure AQ-1 would require implementation of diesel-idling restrictions. Therefore, potential impacts related to GHG emissions would be less than significant, and no mitigation measures would be necessary.

Mitigation

No mitigation is necessary.

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IX. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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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 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. According to the California Department of Forestry and Fire Protection (CAL FIRE) Fire Hazard Severity Zone (FHSZ) viewer, the project site is located within a state responsibility area (SRA) and is designated as a high FHSZ (CAL FIRE 2022). The project site has an estimated response time of approximately 10-15 minutes. 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.

Based on a query of the California Department of Toxic Substances Control (DTSC) EnviroStor database and the SWRCB GeoTracker database, there are no previously recorded hazardous materials sites located within or adjacent to the project site (DTSC 2022; SWRCB 2022). The project site is not located within an airport review area and the nearest airport is Oak Country Ranch Airport – 33CL, a private airport, located approximately 2.6 miles south of the project site. The nearest school is Vineyard Elementary School located approximately 5.9 miles southeast of the project site.

Discussion

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

During construction, the project is anticipated to require limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc., which has the potential to result in an accidental spill or release. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws for the handling, transport, and storage of hazardous materials, including California Code of Regulations (CCR) Title 22 Division 4.5 to minimize the potential for accidental spill or release.

Implementation of the project would result in wine production activities, including crushing, fermentation, pressing, barrel aging, and storage. Most wine production activities would occur at an

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offsite location. Operation of the project may require the use of hazardous substances, such as paints, oils, cleaners, fertilizers, etc. and would be required to comply with existing state and local regulations to minimize the risk of accidental release during transport, use, and disposal. Solid and liquid winery waste would be required to comply with LUO Section 22.30.070D.2, which requires solid waste to be disposed of in accordance with state and local Health Department standards and liquid waste to be disposed of in accordance with RWQCB discharge requirements. Operation of the winery would also include public wine tastings, which would not be expected to require the routine transport, use, or disposal of hazardous substances. Based on required compliance with CCR, RWQCB, and state and local Health Department requirements to minimize risk associated with the temporary use of construction-related hazardous substances and to regulate long-term winery waste disposal, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Therefore, potential impacts would be *less than significant*.

- (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 include the handling or use of hazardous materials or volatile substances that would result in a significant risk of upset or accidental release conditions. As previously evaluated, construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, and construction contractors would be required to comply with applicable state and local regulations, such as CCR Title 22 Division 4.5, to reduce the potential for accidental hazardous materials release during construction. Solid and liquid winery waste would be required to comply with LUO Section 22.30.070D.2, which requires solid waste to be disposed of in accordance with state and local Health Department standards and liquid waste to be disposed of in accordance with RWQCB discharge requirements. In addition, the use of any hazardous substances during operation of the project (e.g., paints, oils, cleaners, fertilizers, etc.) would be required to comply with state and local regulations to minimize the risk of accidental release.

The project would not require ground disturbance within or adjacent to any existing major roadways that could contain aerially deposited lead (ADL). Additionally, the project site is not located within an area with potential for NOA to occur and would not require demolition of any buildings, roadways, or other structures that could release ACM or lead based paint (SLOAPCD 2022). As a result, implementation of the project would not release hazardous air contaminants, including ADL, NOA, or ACM. Based on required compliance with CCR to minimize the risk associated with the use of hazardous substances and required compliance with RWQCB and state and local Health Department requirements to regulate winery waste disposal, the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials; 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 nearest school is Vineyard Elementary School located approximately 5.9 miles southeast of the project site. Therefore, the proposed project would not emit hazardous emissions or handle acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school, and *no impacts* would occur.

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- (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 query of the DTSC EnviroStor database and the SWRCB GeoTracker database, there are no previously recorded hazardous materials sites located within or adjacent to the project site (DTSC 2022; SWRCB 2022). Since there are no known hazardous materials sites located within or adjacent to the project area, implementation of the project would not create a significant hazard to the public or the environment through the disturbance of a hazardous materials 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 review area and the nearest airport is a private airport located approximately 2.6 miles south of the project site. Therefore, implementation of the project would not result in a safety hazard or excessive noise for project occupants and *no impacts* would occur.

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

Implementation of the project would not require any permanent road closures or traffic controls that could result in notable impacts to emergency response or evacuation efforts in the project area. The project site is currently accessed via Loose Horse Lane from Peachy Canyon Road. The project includes the construction of a new 20-foot-wide driveway to provide access from Peachy Canyon Road to the proposed winery facility. Proposed driveway improvements would be required to comply with County Public Works and CAL FIRE/County Fire standards to ensure adequate emergency access and public ingress and egress at the site. In addition, the project would not result in a substantial number of new vehicle trips to the site that could otherwise impede emergency response or evacuation efforts in the area through a substantial increase in vehicle traffic. Therefore, the project would not interfere with an emergency response or evacuation plan and 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?*

Implementation of the project would result in the construction of a new winery facility within a high FHSZ within an SRA. The winery would be constructed in accordance with CFC and CBC requirements to reduce risk associated with wildfire ignition and exposure of project occupants to wildfire risk. The proposed driveway and utility infrastructure expansions would be required to comply with CAL FIRE and County Public Works requirements to ensure adequate emergency access to the project site and proper utility installation to reduce risk associated with wildfire ignition. Per Public Resources Code Section 4291, a 100-foot defensible space buffer would be required around occupiable structures and to reduce wildfire risk at the site. Based on required compliance with existing state and local regulations, the project would result in the risk of loss, injury, or death as a result of wildfire; therefore, impacts would be *less than significant*.

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Conclusion

Based on required compliance with CCR, RWQCB, and state and local Health Department requirements, the project would not result in significant hazards related to the routine transport, use, or disposal of hazardous materials. The project is not located within the vicinity of a school or airport and is not located within or adjacent to a previously recorded hazardous materials site. Based on required compliance with CFC, CBC, PRC, CAL FIRE, and County Public Works requirements, the project would not impede emergency access or evacuation efforts and would not result in risk associated with wildfire. Therefore, potential impacts related to hazards and hazardous materials would be less than significant.

Mitigation

No mitigation is necessary.

X. HYDROLOGY AND WATER QUALITY

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

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	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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The RWQCB Water Quality Control Plan for the Central Coast Basin (Basin Plan; RWQCB 2019) 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 RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality.

The 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 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 0.5 acre or more in geologically unstable areas, on slopes steeper than 30 percent, on highly erodible soils, or within 100 feet of any watercourse. The project site is located in an area subject to preparation of a drainage plan.

Per the County’s Stormwater Program, the County Department of Public Works is responsible for ensuring that new construction sites implement Best Management Practices (BMPs) during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB Construction General Permit. The Construction General Permit requires the preparation of a 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

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existing developments, emergency construction activities, and projects exempted by the SWRCB or RWQCB. Projects that disturb less than 1 acre must implement all required elements within the site's erosion and sediment control plan as required by the LUO.

For planning purposes, the flood event most often used to delineate areas subject to flooding is the 100-year flood. The Safety Element of the County of San Luis Obispo General Plan 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. According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 06079C0600G (effective date 11/16/2012), the project site is located within Zone X, an area with minimal flood hazard (FEMA 2020). In addition, the project site is not located in the County's Flood Hazard combining designation.

Summit Creek flows in a north-south direction through the eastern portion of the project property, located approximately 160 feet east of the project area. Summit Creek is a seasonal drainage and is a tributary to the Salinas River.

Discussion

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

The project would require approximately 0.42 acre of ground disturbance, including 300 cubic yards of cut and fill. During project construction, soil disturbance and the use of construction equipment and vehicles have the potential to increase erosion and pollutants at the site that could runoff into Summit Creek, located approximately 160 feet east of the project area. The project would not result in direct alteration to the creek. The project would disturb less than 1-acre of soils and would not be required to comply with RWQCB general construction permit requirements, including preparation and implementation of a SWPPP. However, in accordance with LUO Section 22.52.120, preparation and approval of an Erosion and Sedimentation Control Plan is required for all construction and grading projects 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. In addition, construction contractors would be required to comply with applicable federal and state laws for the handling, transport, and storage of hazardous materials, including CCR Title 22 Division 4.5 to minimize the potential for accidental spill or release that could runoff to Summit Creek or surrounding areas. Based on required compliance with County LUO and CCR requirements, the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; therefore, 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?*

Implementation of the project would result in approximately 15,649 square feet of new impervious surface area on the approximately 8-acre property and would not result in a substantial amount of new impervious surface area that could interfere with groundwater recharge at the site. The proposed driveway and parking areas would be constructed with gravel and would not introduce additional impervious surface areas onsite. As a result, most of the property would remain undeveloped to allow for groundwater recharge at the site and implementation of the project would not interfere with groundwater recharge such that the project may impede sustainable groundwater

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management of the basin. The project site would be served by an existing on-site well located to the south of the proposed winery facility. The project has an estimated water demand of 550-600 per day. In accordance with the County Environmental Health Department, the project would be required to verify water supply adequacy with a well pump test prior to issuance of building permits. Based on required compliance with County Environmental Health Department requirements, implementation of the project would not substantially decrease groundwater supply in a manner that could interfere with sustainable groundwater management. The project would not substantially interfere with groundwater recharge or decrease groundwater supply; therefore, impacts 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?*

Construction of the proposed project would result in approximately 0.42 acre of ground disturbance, including 300 cubic yards of cut and fill, which has the potential to increase erosion and siltation at the site which could runoff into Summit Creek and surrounding areas. In accordance with LUO Section 22.52.120, preparation and approval of an Erosion and Sedimentation Control Plan is required for all construction and grading projects 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. Operation of the project does not include any components or features that would generate long-term erosion or siltation at the project site. Based on required compliance with the County's LUO, the project is not anticipated to result in substantial erosion or siltation on- or off-site; therefore, impacts 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?*

The project site is not located within an MS4 stormwater management area. Implementation of the project would result in approximately 15,649 square feet of new impervious surface area on the approximately 8-acre property. Therefore, the proposed winery would not result in a substantial amount of new impervious surface area in a manner that could increase the rate of runoff flows. An additional culvert would be constructed onsite along the northern end of the parking area to reduce the demand of surface flows on the existing culvert and avoid flooding along Peachy Canyon Road. The project would be subject to the preparation of a drainage plan in accordance with LUO Section 22.52.110. The drainage plan would be prepared by a registered civil engineer and would include detailed information related to flow lines of surface waters, existing and finished contours, finished elevations, existing and proposed drainage facilities, and sewage systems. The plan would be subject to County approval and implementation of recommendations necessary to reduce surface runoff from the site. Based on implementation of a County-approved drainage plan, implementation of the project would not increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; therefore, impacts would be *less than significant*.

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- (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 site is not located within an MS4 stormwater management area and includes the construction and implementation of onsite stormwater infrastructure to contain runoff and other flows at the site, including an additional culvert along the north side of the parking area to reduce the demand of surface flows on the existing culvert and avoid flooding along Peachy Canyon Road. The project would be subject to the preparation of a drainage plan in accordance with LUO Section 22.52.110, which would include detailed information related to flow lines of surface waters, existing and finished contours, finished elevations, existing and proposed drainage facilities, and sewage systems. The plan would be subject to County approval and implementation of recommendations necessary to reduce surface runoff from the site. Based on implementation of a County-approved drainage plan, implementation of the project would not increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. In addition, the project would be required to comply LUO Section 22.52.120 to reduce the potential for short- and long-term erosive runoff at the site. Based on required compliance with RWQCB and County requirements, implementation of the project would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; therefore, impacts would be *less than significant*.

- (c-iv) *Impede or redirect flood flows?*

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 06079C0600G (effective date 11/16/2012), the project site is located within Zone X, an area with minimal flood hazard (FEMA 2020). In addition, the project site is not located in the County's Flood Hazard combining designation. As a result, flood flows are not anticipated to occur within the project area. The project includes the construction of an additional culvert at the north side of the parking area to alleviate the existing demand of surface flows on the existing culvert and avoid flooding along Peachy Canyon Road. Additionally, the project would be subject to the preparation of a drainage plan in accordance with LUO Section 22.52.110, which would be subject to County approval and would be required to implement recommendations necessary to reduce surface runoff from the site. Therefore, the project would not impede or redirect flood flows and impacts would be *less than significant*.

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

The project site is not located within a mapped flood hazard zone or within the County's Flood Hazard combining designation (FEMA 2020). According to the Department of Conservation's San Luis Obispo County Tsunami Inundation Map, the project is not within a tsunami inundation area. Seiches occur as a series of standing waves induced by seismic shaking or land sliding into an impounded body of water. The project site is not located in proximity to any impounded body of water that would be subject to seiche. The project is not within a flood hazard, tsunami, or seiche zone and would not risk release of pollutants due to project inundation; therefore, *no impacts* would occur.

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

The project site is located outside of the Paso Robles Groundwater Basin and other high priority basins and would not be required to comply with sustainable management requirements implemented by the Paso Robles Subbasin Groundwater Sustainability Agency (GSA) or other agencies. As described above, the project would be served by a private well and would not substantially decrease groundwater supply or interfere with groundwater recharge in a manner that could interfere with sustainable groundwater management. The project site is under the jurisdiction of the Central Coast RWQCB and would be subject to the Central Coast Water Quality Control Plan (Basin Plan), which sets water quality objectives and criteria to protect water quality in the Central Coast region (RWQCB 2019). The project would be subject to LUO Section 22.52.120 to control short- and long-term erosive runoff from the project site. The project includes the construction of a new septic system, which would be located 100 feet from the onsite well and greater than 200 from any community/public wells. The project would be required to comply with County LAMP requirements for the placement and design of septic systems and would be subject to County review and approval prior to building permit issuance to ensure compliance with the Central Coast Basin criteria. Based on required compliance with RWQCB and County regulations, the project would be consistent with water quality protection efforts included in the Central Coast RWQCB Basin Plan and impacts would be *less than significant*.

Conclusion

Based on required compliance with the County’s LUO, the project would not result in adverse impacts related to water quality, groundwater quality, or stormwater runoff. The project is not within a flood hazard, tsunami, or seiche zone and would not risk release of pollutants due to project inundation. The project would be served by a private well and would not substantially decrease groundwater supply or interfere with groundwater recharge in a manner that could interfere with sustainable groundwater management. The project would be consistent with the RWQCB Basin Plan. Therefore, with implementation of the identified mitigation, impacts related to hydrology and water quality would be less than significant.

Mitigation

Mitigation is not necessary.

XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

The County 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 growth 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 project area is designated for Agriculture land uses.

Discussion

(a) *Physically divide an established community?*

Implementation of the project would result in the construction of a new 2,400-square-foot winery. The project also includes the construction of a new 20-foot-wide driveway from Peachy Canyon Road to provide access to the new facility. The project would not require the construction of off-site components that could result in the removal or blockage of existing public roadways or other circulation paths. Further, implementation of the project would be limited to an existing parcel and would not otherwise include any features that would physically divide an established community. Therefore, the 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 site is located within the AG land use category in the Adelaida sub area of the North County planning area. As evaluated throughout this Initial Study, the project would be consistent with the property's land use designation and the guidelines and policies for development within the North County Area Plan, inland LUO, and COSE. Further, the project was found to be consistent with standards and policies set forth in the County of San Luis Obispo General Plan, the SLOAPCD CAP, and other land use policies for this area. The project would also be required to be consistent with standards set forth by County Fire/CAL FIRE and the County Department of Public Works. The project would be required to implement Mitigation Measures AQ-1 and AQ-2, BIO-1 through BIO-7, GEO-1 and GEO-2, and N-1 and N-2 to mitigate potential impacts associated with Agriculture and Forestry Resources, Air Quality, Biological Resources, Geology and Soils, and Noise, which is consistent with the identified plans and policies intended to avoid or mitigate adverse environmental effects. Upon implementation of the identified mitigation, the project would not

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conflict with other local policies or regulations adopted for the purpose of avoiding or mitigating environmental effects; therefore, impacts would be *less than significant with mitigation*.

Conclusion

Implementation of the proposed project would not physically divide an established community. Upon implementation of mitigation measures identified throughout this document, the project would be consistent with the County’s LUO, COSE, General Plan, North County Area Plan, SLOAPCD CAP, and other applicable documents. Therefore, impacts would be less than significant upon implementation of the identified mitigation measures.

Mitigation

Implement Mitigation Measures AQ-1 and AQ-2, BIO-1 through BIO-7, GEO-1 and GEO-2, and N-1 and N-2.

XII. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 2011):

- **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.

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The County of San Luis Obispo Land Use Ordinance (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 Land Use Element 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. The project site is not located within the EX or EX1 combining designation.

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?*
- (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?*

The project site is not located within the EX or EX1 combining designation and there are no known mineral resources in the project area. The project would not be located on land that is zoned or designated for mineral extraction; therefore, the project would not result in the loss of availability of a known mineral resource or result in the loss of availability of a locally-important mineral resource recovery site, and *no impacts* would occur.

Conclusion

No impacts to mineral resources would occur as a result of the project, and no mitigation is necessary.

Mitigation

Mitigation is not necessary.

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XIII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project result in:</i>				
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The Noise Element of the County of San Luis Obispo 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 policies 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, and specialized education and training)
- Health care services (e.g., hospitals, clinics, etc.)
- Nursing and personal care
- Churches
- Public assembly and entertainment
- Libraries and museums

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- 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 (dBA). A-weighting deemphasizes the very low and very high frequencies of sound in a manner similar to the human ear. There is an onsite residence located to the south of the project area and there are three off-site residences located within 1,000 feet of the project site. The nearest off-site residence is located approximately 290 feet north of project area.

The 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 3. Maximum Allowable Exterior Noise Level Standards¹

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, noise level standards are increased by 10 db.

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

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 project site is located in a rural area and existing ambient noise in the area primarily consists of intermittent vehicle noise along nearby roadways. During project construction, noise from construction activities may intermittently dominate the noise environment in the immediate project area. The project would require the use of typical construction equipment (dozers, excavators, etc.) during proposed construction activities. According to the Federal Highway Administration (FHWA), noise from standard construction equipment generally range from 80 dBA to 85 dBA at 50 feet from the source, as shown in Table 4, below.

Table 4. Construction Equipment Noise Emission Levels

Equipment Type	Typical Noise Level (dBA) 50 ft From Source
Concrete Mixer, Dozer, Excavator, Jackhammer, Man Lift, Paver, Scraper	85
Heavy Truck	84
Crane, Mobile	83

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Concrete Pump	82
Backhoe, Compactor	80

Source: FHWA 2018

There is an onsite residence located to the south of the project area and the nearest off-site residence is located approximately 290 feet north of project area. Construction-related noise would be short-term, intermittent and would not result in a permanent increase in ambient noise within the project area. According to LUO Section 22.10.120.A.4, construction noise is exempt from the County's noise standards between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on weekends. Proposed construction activities would be limited to the hours specified in the LUO. However, based on the rural nature of the project area and the proximity of off-site noise-sensitive residential land uses, Mitigation Measures N-1 and N-2 have been included to ensure implementation of construction-related noise BMPs to reduce noise generated during construction of the proposed project.

The project does not include special events that would require amplified music or other noise. Most of the proposed wine production activities (i.e., crushing) would be conducted offsite. Onsite production activities would occur within the proposed winery building, which would reduce the potential to generate noise in excess of County standards. Upon implementation of Mitigation Measures N-1 and N-2 to reduce construction-related noise near noise-sensitive land uses, the project would not generate a substantial increase in temporary or permanent ambient noise levels; therefore, potential impacts would be *less than significant with mitigation*.

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

According to LUO Section 22.10.170, construction-related vibration is exempt from the County's vibration standards between the hours of 7:00 a.m. and 9:00 p.m. The project would require typical ground-disturbing activities; however, the project would not include pile-driving or other high-impact activities that could generate substantial groundborne noise or groundborne vibration during construction. Any groundborne noise or vibration generated by short-term construction activities would be intermittent and limited to the immediate work area and is not anticipated to disturb nearby residential land uses. Operation of the project does not include new features that could generate substantial groundborne noise. 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 not located within an airport review area and the nearest airport is a private airport located approximately 2.6 miles south of the project site. The project would not be located within 2 miles of an airport; therefore, implementation of the project would not expose project occupants to excessive noise levels and *no impacts* would occur.

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Conclusion

Mitigation Measures N-1 and N-2 have been included to reduce construction-related noise near noise-sensitive land uses and the project would not generate groundborne noise in a manner that would result in disturbance. The project site is not located in an area that could expose people to excessive airport-related noise. Therefore, upon implementation of the identified mitigation, potential impacts related to noise would be less than significant.

Mitigation

- N-1 Noise Best Management Practices.** For the entire duration of the construction phase of the project, the following BMPs shall be adhered to:
1. Stationary construction equipment that generates noise that exceeds 60 dBA at the project boundaries shall be shielded with the most modern noise control devices (i.e., mufflers, lagging, and/or motor enclosures).
 2. Impact tools (e.g., jack hammers, pavement breakers, rock drills, etc.) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools.
 3. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used.
 4. All construction equipment shall have the manufacturers' recommended noise abatement methods installed, such as mufflers, engine enclosures, and engine vibration insulators, intact and operational.
 5. All construction equipment shall undergo inspection at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers, shrouding, etc.).
- N-2 Noise Management.** Construction plans shall note construction hours, truck routes, and all construction noise BMPs, and shall be reviewed and approved by the County Planning and Building Department prior to issuance of grading/building permits. The applicant shall provide and post signs stating these restrictions at construction entry sites prior to commencement of construction and maintained throughout the construction phase of the project. All construction workers shall be briefed at a preconstruction meeting on construction hour limitations and how, why, and where BMP measures are to be implemented.

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XIV. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The County's current Housing Element (2020-2028) is intended to facilitate the provision of needed housing in the context of the General Plan Land Use Element and related ordinance. It is also intended to meet the requirements of State law. It contains a number of relevant goals, objectives, policies, and implementation programs to ensure the County meets its goals of meeting the housing needs while remaining consistent with State law.

Section 22.12.080 of the County LUO contains policies and procedures related to inclusionary housing that is a requirement as part of development projects. New single-family dwellings over 2,200 square feet in size, residential subdivisions, commercial/industrial uses with a cumulative floor area of 5,000 square feet or more, mixed-use development, and subdivision of land are subject to these requirements. Projects subject to the inclusionary housing provisions are required to make 8% of the project's base density affordable. This 8% inclusionary housing mix is broken down by 2% increments between Workforce, Moderate income, Low income, and Very Low-income households. The ordinance gives applicants a variety of options for meeting this requirement, including on-site or off-site construction of affordable housing. Applicants may also opt to pay an in-lieu fee per the Affordable Housing Fund, Title 29 of the County Code. As noted in Section 22.12.080.G.2, the County provides for a reduction in required inclusionary housing by 25% for those units constructed on-site.

Requirements for inclusionary housing for residential dwelling units are based upon the base density of a project. Base density is the maximum number of residential units that may be allowed, not including any density bonuses. Commercial and industrial development of 5,000 square feet or more of floor area for commercial or industrial use also requires the payment of a housing impact fee or construction of inclusionary housing units.

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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 residential land uses that could result in direct population growth within the county. The project includes the construction of a new winery facility and would generate up to four employees and facilitate approximately 8 visitors per day. Therefore, implementation of the proposed project would not result in a substantial number of new employment opportunities or other components that could facilitate indirect growth within the project area. The project includes road improvements and utility installation at the project site, which would be limited to use by the proposed project and would not result in expanded infrastructure that could otherwise facilitate additional or unplanned growth within the project area. Construction of the project has the potential to increase temporary construction-related employment opportunities; however, temporary employment opportunities are anticipated to be filled by the local workforce and would not result in a substantial population increase within the county. Implementation of the project would be limited to a marginal increase in long-term employment opportunities and would not result in substantial or unplanned growth within the county; therefore, impacts would be *less than significant*.

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

There is an existing single-family residential dwelling located to the south of the project area. However, the project does not include the demolition or removal of this residence. The project would not result in the removal or displacement of existing structures or people; therefore, *no impacts* would occur.

Conclusion

The proposed project would not result in substantial or unplanned population growth and would not displace existing housing or necessitate the construction of replacement housing elsewhere. Therefore, potential impacts related to population and housing would be less than significant, and no mitigation is necessary.

Mitigation

No mitigation is necessary.

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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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County 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 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, and the nearest station to the project site would be CAL FIRE / San Luis Obispo County Fire Station 30, located approximately 6.8 miles southeast of the project site. Emergency response times to the project range from 10 to 15 minutes.

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: Coast Station in Los Osos, North Station in Templeton, and South Station in Oceano. The project would be served by the North Station in Templeton, located approximately 6.75 miles southeast of the project site.

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San Luis Obispo County has a total of 12 school districts that currently enroll approximately 34,000 students in over 75 schools. The project site is located within the Templeton Unified School District (TUSD).

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 (CGC Section 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 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 does not include the development of new residential land uses that could facilitate direct population growth and substantially increase demand on existing fire protection services. The project would result in the construction of a new 2,400-square-foot winery with up to four new employees, which would result in a marginal increase in demand on existing fire protection services. In addition, the project would be subject to standard Public Facilities Fees to offset the project's demand on existing fire protection services. Based on the limited increase in demand on fire protection services and payment of Public Facilities Fees, the project would not require or otherwise facilitate the need for additional or expanded fire protection services and impacts would be *less than significant*.

Police protection?

Implementation of the project would result in marginal population growth within the project area as a result of up to four new employees generated by the project. Due to the limited population increase, the project would result in a limited increase in demand on police protection services. The project would be subject to standard Public Facilities Fees to offset the project's demand on existing police protection services. Based on the marginal population increase and payment of Public Facilities Fees, the project would not require or otherwise facilitate the need for additional or expanded police protection services; therefore, impacts would be *less than significant*.

Schools?

The project does not include the construction of new residential or other land uses that could increase the number of school aged children within the project area. Implementation of the project would generate up to four new employment opportunities, which would primarily be filled by the

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local workforce. Therefore, the project would not facilitate an increase in school-aged children within the project area, and *no impacts* would occur.

Parks?

The project does not include the construction of new residential land uses or other components that could facilitate a substantial increase in permanent population growth within the project area. The project would be limited to the operation of a new winery, which would generate up to four additional employees. Employees would primarily be sourced from the local workforce and would not result in a significant number of new permanent residents that could increase demand on existing public parks. Therefore, the project would not facilitate the need for new or expanded recreational facilities and impacts would be *less than significant*.

Other public facilities?

Implementation of the proposed project would result in a limited number of additional employment opportunities, which has the potential to result in a slight increase in demand on other public facilities within the project region. The project would be subject to the payment of standard Public Facilities Fees to account for an increased demand on existing public services. The project would not facilitate the need for additional or expanded public services; therefore, potential impacts would be *less than significant*.

Conclusion

Implementation of the project would result in limited, if any, population growth and would be subject to the payment of Public Facilities Fees to offset its demand on public services and facilities. Therefore, potential impacts related to public services would be less than significant, and no mitigation would be required.

Mitigation

No mitigation is 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Setting

The Parks and Recreation Element of the County of San Luis Obispo General Plan establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing parks and recreation facilities 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. 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 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?*

Implementation of the project does not include the construction of new residential or other land uses that could facilitate substantial population growth. The project would generate a limited number of up to four employees and would not facilitate substantial population growth that would increase the use of existing recreational facilities in a manner that could result in physical deterioration; therefore, potential impacts would be *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?*

The project does not include the development of new or expanded recreational facilities; therefore, *no impacts* related to adverse physical effects on the environment as a result of construction or expansion of recreational facilities would occur.

Conclusion

The project would not increase the use of existing recreational facilities in a manner that would result in physical deterioration and does not include the construction of new or expanded recreational facilities that could result in adverse environmental impacts. Therefore, potential impacts related to recreation would be less than significant, and mitigation would not be necessary.

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Mitigation

No mitigation is necessary.

XVII. TRANSPORTATION

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

Setting

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; preparing a Regional Transportation Plan (RTP); programming state funds for transportation projects; and administering and allocating transportation development act funds required by state statutes. 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 as well as the Cities within the county in facilitating the development of the RTP.

In 2013 SB 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 SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3[b]). The County of San Luis Obispo has developed a Vehicle Miles Traveled (VMT) Program (Transportation Impact Analysis Guidelines; Rincon,

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October 2020 & VMT Thresholds Study; GHD, March 2021). The program provides interim operating thresholds and includes a screening tool for evaluating VMT impacts.

The County's Framework for Planning (Inland) includes the Land Use and Circulation Elements of the County of San Luis Obispo 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.

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.

Discussion

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

The subject property is located in a rural area and would not be applicable to existing mixed-land use development or pedestrian and bicycle accessibility standards included in the 2019 RTP, the County's Bikeways Plan, and the County's Circulation Element. Based on the County's trip generation rates, the project would generate 1.47 new peak hour trips. The winery would generate up to four new employees and would be open to the public between 11:00 a.m. to 5:00 p.m. Thursday through Monday year-round and would generate up to 8 visitors per day. In addition, the project would require one truck trip per week and may include up to two truck trips per day during peak wine production periods. The winery would not include a Special Event Program that could generate a substantial number of vehicle trips along nearby roadways. Therefore, the project would result in a limited number of new vehicle trips within the area. In addition, the project site is within the Templeton Road Improvement Fee Area B and would be subject to the payment of standard road impact fees for maintenance of roadways within this road fee area. Therefore, the project would not conflict with a program plan, ordinance or policy addressing the circulation system and impacts would be *less than significant*.

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

Based on the Technical Advisory on Evaluating Transportation Impacts in CEQA, projects that do not indicate substantial evidence that a project would generate a potentially significant level of VMT, that are consistent with an SCS or general plan, or that would generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact (California Governor's Office of Planning and Research [OPR] 2018). The County of San Luis Obispo has developed a Vehicle Miles Traveled (VMT) Program (Transportation Impact Analysis Guidelines; Rincon, October 2020 & VMT Thresholds Study; GHD, March 2021). The program provides interim operating thresholds and includes a screening tool for evaluating VMT impacts. The project would generate a limited number of new vehicle trips as a result of up to four new employees, eight visitors per day, and one truck trip per week with two truck trips per day during peak production periods. Implementation of the project would result in a limited increase in new vehicle trips; therefore, vehicle trips generated by the project would fall below the suggested screening threshold

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of 110 trips per day identified in the State guidance and potential impacts would be *less than significant*.

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

The project includes the construction of a new 20-foot-wide driveway from Peachy Canyon Road to the proposed winery. The proposed driveway improvements would be required to comply with County Public Works roadway design standards and would be subject to County review and approval to minimize the risk associated with hazardous roadway design. The project does not include off-site features that could result in new hazards along Peachy Canyon Road. In addition, the project would result in a limited number of new vehicle trips and would not be expected to increase hazards due to vehicle congestion. Therefore, the project would not increase roadway hazards due to hazardous roadway design or an increase in vehicle traffic and impacts would be *less than significant*.

- (d) *Result in inadequate emergency access?*

The project site is currently accessed via Loose Horse Lane from Peachy Canyon Road. The project includes the construction of a new 20-foot-wide driveway to provide access from Peachy Canyon Road to the proposed winery facility. The proposed driveway extension and associated improvements would be required to comply with County Public Works and CAL FIRE standards for emergency access requirements and would be subject to County and CAL FIRE review and approval prior to issuance of permits. Based on required compliance with County and CAL FIRE standards, the project would provide adequate emergency access; therefore, impacts would be *less than significant*.

Conclusion

The project would be consistent with the 2019 RTP, 2016 Bikeways Plan, and the County's Circulation Element and would not generate vehicle trips that would exceed existing VMT thresholds. In addition, the project would be consistent with CAL FIRE and County Public Works standards for site access and driveway design; therefore, impacts related to transportation would be less than significant, and no mitigation is required.

Mitigation

No mitigation is necessary.

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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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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 I of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision I of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 CRHR; or
 - b. Included in a local register of historical resources as defined in California PRC Section 5020.1(k).
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth California PRC Section 5024.1.

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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.

In accordance with AB 52 Cultural Resources requirements, outreach to the Salinan Tribe of Monterey and San Luis Obispo Counties, *titvu titvu yak tihini* Northern Chumash, and Northern Chumash Tribal Council occurred on October 10, 2019. The County received a response from Patti Dunton, Tribal Administrator of the Salinan Tribe of Monterey and San Luis Obispo Counties, requesting a Phase 1 Archaeological Study. The Phase 1 Archaeological Study (i.e., records search and surface survey) was conducted by Padre Associates in December 2019. The records search did not reveal any previously recorded resources within a 0.25-mile search radius of the project site. A pedestrian survey of the project site was conducted on December 12, 2019. No cultural resources were observed within the project site. The results of the Phase 1 were sent to the Salinan Tribe of Monterey and San Luis Obispo Counties on April 04, 2023. The Tribe did not have further comment, and the County has not received any other requests 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)?*
 - (a-ii) *by substantial evidence, to be significant pursuant to criteria set forth in subdivision I of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision I of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

Pursuant to AB 52, the County provided notice to local California native tribes with geographic and/or cultural ties to the project region. Referral letters were sent to tribal representatives on October 10, 2019. The County received a response from the Salinan Tribe of Monterey and San Luis Obispo Counties requesting a Phase 1 Archaeological Study. The Phase 1 Study did not reveal any previously recorded resources within a 0.25-mile search radius of the project site, and no cultural resources were observed within the project site. The results of the Phase 1 were sent to the Salinan Tribe of Monterey and San Luis Obispo Counties on April 4, 2023. The Tribe did not have further comment, and the County has not received any other requests for consultation as of the date of this Initial Study.

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The project would be required to comply with LUO Section 22.10.040 in the event of inadvertent discovery of a cultural resource. Per LUO Section 22.10.040, in the event an unknown cultural resource site is encountered, all work within the vicinity of the find must be halted until a qualified archaeologist is retained to evaluate the nature, integrity, and significance of the find. In addition, the project would be required to comply with Health and Safety Code Section 7050.5, which identifies the proper protocol in the event of inadvertent discovery of human remains, including the cessation of work within the vicinity of the discovery, identification of human remains by a qualified coroner, and if the remains are identified to be of Native American descent, contact with the NAHC. Based on required compliance with the County’s LUO and Health and Safety Code Section 7050.5, the project is not anticipated to result in adverse impacts to known or unknown cultural archaeological resources and impacts would be *less than significant*.

Conclusion

Based on compliance with the County’s LUO and Health and Safety Code Section 7050.5, impacts related to tribal cultural resources would be considered less than significant, and no mitigation would be required.

Mitigation

No mitigation is necessary.

XIX. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The County Department of Public Works provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater “will serve” letters. The County Department of Public Works currently maintains CSAs for the communities of Nipomo, Oak Shores, Cayucos, Avila Beach, Shandon, the San Luis Obispo Country 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 on-site 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 County Department of Public Works is responsible for ensuring that new construction sites implement BMPs during construction and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB’s Construction General Permit.

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 would be serviced by Mid-State Solid Waste and Recycling and the Paso Robles Landfill.

Discussion

- (a) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

The project would require the construction of expanded utility infrastructure and also includes installation of on-site septic system. Proposed utility infrastructure would be constructed and installed within the footprint of the proposed project. As evaluated throughout this Initial Study, the project has the potential to result in adverse impacts related to Agriculture and Forestry Resources, Air Quality, Biological Resources, Geology and Soils, and Noise. Mitigation Measures AQ-1 and AQ-2, BIO-1 through BIO-7, GEO-1 and GEO-2, and N-1 and N-2 have been included to avoid and/or minimize adverse impacts to less-than-significant levels. Therefore, upon implementation of the identified mitigation measures, installation of utility infrastructure is not anticipated to result in adverse impacts to the environment; therefore, potential impacts would be *less than significant with mitigation*.

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

The project site would be served by an existing on-site well located to the south of the proposed winery facility. The project has an estimated water demand of 550-600 per day.. In accordance with the County Environmental Health Department, the project would be required to verify water supply adequacy with a well pump test prior to issuance of building permits. Based on required compliance with County Environmental Health Department requirements the on-site well would have adequate ability to serve the project and impacts 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 includes installation of an on-site septic leach field and septic tanks to serve future the project and would not require connection to a wastewater treatment provider; therefore, *no impacts* would occur.

- (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?*

During construction, the project would be required to comply with California's Green Building Standards Code (CALGreen) Sections 4.408 and 5.408, which requires diversion of at least 75 percent of construction waste (IWMA 2022). Based on required compliance with CALGreen regulations, construction of the project would not generate solid waste in excess of local infrastructure capacity.

Implementation of the project would result in a new 2,400-square-foot winery, which has the potential to increase solid waste generated at the project site. Solid waste generated by wine production activities would be subject to County Health Department Standards for winery waste disposal and would be collected by Mid-State Solid Waste and Recycling and would be disposed of at the Paso Robles Landfill, which are fully compliant with state and local requirements for solid waste disposal. Paso Robles Landfill would have adequate available capacity to support the increase of solid waste; therefore, 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 be serviced by Mid-State Solid Waste and Recycling and Paso Robles Landfill, which are fully compliant with existing local and state regulations related to disposal of solid waste. As evaluated above, based on required compliance with CALGreen regulations, construction of the project would not generate solid waste in excess of state or county regulations for solid waste. In addition, the project would be subject to County Health Department Standards for winery waste disposal. Therefore, the project would not generate a substantial amount of solid waste during construction and operation of the project, which would be consistent with federal, state, and local solid waste reduction goals; therefore, impacts would be *less than significant*.

Conclusion

The project would require the expansion and installation of utility infrastructure to support proposed development. Implementation of Mitigation Measures AQ-1 and AQ-2, BIO-1 through BIO-7, GEO-1 and GEO-2, and N-1 and N-2 would reduce potential adverse environmental impacts to less-than-significant

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levels. Water would be provided by an on-site well, which would have adequate ability to provide water for the project. The project would not require connection to a wastewater provider. The project would not generate solid waste in exceedance of state or county regulations. Therefore, upon implementation of the identified mitigation measures, potential impacts would be less than significant.

Mitigation

Implement Mitigation Measures AQ-1 and AQ-2, BIO-1 through BIO-7, GEO-1 and GEO-2, and N-1 and N-2.

XX. WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
(a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

On-Site Conditions and Surrounding Land Uses

The project area is characterized by rural land with gently to steeply sloping topography. The project property consists of an 8.06-acre parcel with an existing single-family residence, a dirt driveway, and oak woodland habitat. Surrounding land uses include rural areas that support scattered rural residences, vineyards, and agricultural uses.

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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.

CAL FIRE Hazard Severity Zones

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. 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, from Monterey County in the north to Santa Barbara County in the south. A lack of 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 moderate, high or very high fire severity zones. According to the CAL FIRE FHSZ viewer, the project site and surrounding area is located within a state responsibility area (SRA) within a high FHSZ (CAL FIRE 2022).

County Emergency Operations Plan

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. 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.

County Safety Element

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.

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California Fire Code

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.

Discussion

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

The project site and immediately surrounding area is located within a high FHSZ (CAL FIRE 2022). Implementation of the project would not require any permanent road closures or traffic controls that could result in notable impacts to emergency response or evacuation efforts in the project area. The project site is currently accessed via an existing driveway from Loose Horse Lane. The project includes construction of a new 20-foot-wide access driveway from Peachy Canyon Road. The proposed driveway would be required to comply with County Public Works and CAL FIRE standards to ensure adequate emergency access and public ingress and egress at the site. The project would also be required to implement CAL FIRE recommendations including installation of a water storage tank and fire pumps/hydrants to allow for adequate fire suppression ability at the site. The project would not result in a substantial number of new vehicle trips to the site that could otherwise impede emergency response or evacuation efforts in the area. Therefore, the project would not interfere with an emergency response or evacuation plan and 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 and surrounding area is characterized by gently to steeply sloping topography within a high fire hazard severity zone (CAL FIRE 2022). Implementation of the project would result in a new 2,400-square-foot winery facility on a gently sloping portion of the parcel. Proposed occupiable buildings would be required to comply with CFC and CBC requirements to reduce risk associated with wildfire ignition and exposure of project occupants to wildfire risk. In addition, the project would be required to implement design recommendations identified by CAL FIRE to ensure adequate ability to provide fire protection services to the proposed project including, but not limited to, water storage tanks, fire hydrants, and emergency access requirements. Per PRC Section 4291, based on the project location within a high FHSZ within and SRA, the project would also be required to implement 100-feet of defensible space around all occupiable structures to reduce the risk of wildfire at the site. Based required compliance with CFC, CBC, PRC, and CAL FIRE requirements, the project is not anticipated to significantly exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; therefore, 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?*

Implementation of the project would result in the construction of a new driveway and the extension utility infrastructure within a high FHSZ (CAL FIRE 2022). Proposed utility expansions would be constructed in accordance with applicable CFC and CBC to reduce wildfire risk associated with installation of utility infrastructure. In addition, proposed utility infrastructure would primarily be

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installed underground, which would further reduce the risk of accidental wildfire ignition at the project site. Based on required compliance with applicable CFC, CBC, and CAL FIRE requirements, implementation of utility and roadway extensions at the site is not anticipated to exacerbate wildfire risk; 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?*

As previously described, the project site and surrounding area consists of gently to steeply sloping topography within a high FHSZ, and the project parcel is identified as an area with moderate potential for landslide to occur. As such, there is potential for post-fire ground-failure events to occur in the event of wildfire at the site. The project would be required to comply with applicable CBC, CFC, and CAL FIRE requirements to reduce the potential to exacerbate the risk of wildfire occurrence at the site. In addition, proposed occupiable buildings would be required to comply with the most recent CBC and other applicable engineering standards to reduce the risk associated with potential landslides. The project would not be sited in an area that would expose people or structures to significant risk associated with flooding. Based on required compliance with CBC, CFC, and CAL FIRE requirements for development, implementation of the project is not anticipated to expose people or structures to significant risks associated with post-fire ground-failure events; therefore, impacts would *be less than significant*.

Conclusion

The project is located within a high FHSZ within an SRA. Based on required compliance with CFC, CBC, PRC, CAL FIRE, and County Public Works development requirements for the construction of occupiable buildings and structures and associated site improvements, the proposed project and associated activities would not result in significant adverse impacts related to wildfire and, no mitigation is necessary.

Mitigation

Mitigation is not necessary.

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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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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?*

Based on the analysis provided in individual resource sections above, the project has the potential to disturb sensitive biological resources and unknown cultural and/or tribal cultural resources. Mitigation Measures BIO-1 through BIO-7 have been identified and would reduce potential impacts related to sensitive biological resources to less than significant. Additionally, adherence to LUO Section 22.10.040 would reduce impacts to unknown cultural and/or tribal cultural resources if present within the project area. Therefore, potential impacts would be *less than significant with mitigation*.

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- (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)?*

Based on the nature of proposed development and the analysis provided in resource sections above, the project would have the potential to result in environmental impacts associated with Agriculture and Forestry Resources, Air Quality, Biological Resources, and Noise that could have a cumulative effect with other development projects in the project region. Mitigation Measures AQ-1 and AQ-2, BIO-1 through BIO-7, GEO-1 and GEO-2, and N-1 and N-2 have been identified to reduce potential environmental impacts associated with the project to a less-than-significant level. Other past and future development projects requiring a discretionary permit in the project region would also be subject to applicable mitigation measures to reduce potential impacts associated with these impact issue areas. Therefore, based on the implementation of project-level mitigation measures and discretionary review and CEQA review of other projects within the project area, potential impacts would be *less than cumulatively considerable with mitigation*.

- (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 proposed development and the analysis provided in individual resource areas sections above, the project has the potential to have environmental effects that could result in substantial adverse effects on human beings. Potential impacts associated with air quality and noise would be reduced to less-than-significant levels with the implementation of Mitigation Measures AQ-1 and AQ-2 and N-1 and N-2. Therefore, potential impacts associated with environmental effects that would cause substantial adverse effects on human beings would be *less than significant with mitigation*.

Conclusion

Potential impacts associated with mandatory findings of significance would be less than significant with mitigation.

Mitigation

Implement Mitigation Measures AQ-1 and AQ-2, BIO-1 through BIO-7, GEO-1 and GEO-2, and N-1 and N-2.

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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
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Services	Attached
<input checked="" type="checkbox"/>	County Agricultural Commissioner’s Office	Attached
<input type="checkbox"/>	County Airport Manager	None
<input type="checkbox"/>	Airport Land Use Commission	None
<input checked="" type="checkbox"/>	Air Pollution Control District	None
<input type="checkbox"/>	County Sheriff’s Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Wildlife	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	Attached
<input checked="" type="checkbox"/>	CA Department of Transportation	None
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Templeton Area Advisory Group	Attached
<input type="checkbox"/>	Other	

** “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.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Project File for the Subject Application | <input type="checkbox"/> Design Plan |
| <input checked="" type="checkbox"/> County Documents | <input checked="" type="checkbox"/> Specific Plan |
| <input type="checkbox"/> Coastal Plan Policies | <input checked="" type="checkbox"/> Annual Resource Summary Report |
| <input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland) | <input checked="" type="checkbox"/> SLOCOG Circulation Study |
| <input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements: | <input checked="" type="checkbox"/> Other Documents |
| <input checked="" type="checkbox"/> Agriculture Element | <input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook |
| <input checked="" type="checkbox"/> Conservation & Open Space Element | <input checked="" type="checkbox"/> Regional Transportation Plan |
| <input type="checkbox"/> Economic Element | <input checked="" type="checkbox"/> Uniform Fire Code |
| <input type="checkbox"/> Housing Element | <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3) |
| <input checked="" type="checkbox"/> Noise Element | <input checked="" type="checkbox"/> Archaeological Resources Map |
| <input checked="" type="checkbox"/> Parks & Recreation Element/Project List | <input checked="" type="checkbox"/> Area of Critical Concerns Map |
| <input checked="" type="checkbox"/> Safety Element | <input checked="" type="checkbox"/> Special Biological Importance Map |
| <input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal) | <input checked="" type="checkbox"/> CA Natural Species Diversity Database |
| <input checked="" type="checkbox"/> Building and Construction Ordinance | <input checked="" type="checkbox"/> Fire Hazard Severity Map |
| <input checked="" type="checkbox"/> Public Facilities Fee Ordinance | <input checked="" type="checkbox"/> Flood Hazard Maps |
| <input checked="" type="checkbox"/> Real Property Division Ordinance | <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County |
| <input type="checkbox"/> Affordable Housing Fund | <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.) |
| <input checked="" type="checkbox"/> SLO Airport Land Use Plan | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Energy Wise Plan | |
| <input checked="" type="checkbox"/> North County Planning Area | |

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

Althouse and Meade, Inc. 2019. *Biological Report for 1195 Loose Horse Lane*. September 2019.

California Air Resources Board (CARB). 2020. Maps of State and Federal Area Designations. Available at: <https://ww2.arb.ca.gov/resources/documents/maps-state-and-federal-area-designations>. Accessed on June 16, 2022.

———. 2022. Advanced Clean Cars Program. Available at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program>. Accessed May 16, 2022.

California Department of Conservation (DOC). 2015. Fault Activity Map of California. Available at: <https://maps.conservation.ca.gov/cgs/fam/>. Accessed June 16, 2022.

———. 2016. California Important Farmland Finder. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed June 15, 2022.

California Department of Fish and Wildlife (CDFW). 2022. California Natural Diversity Database. Available at: <https://apps.wildlife.ca.gov/bios/?bookmark=648>. Accessed June 15, 2022.

California Department of Forestry and Fire Protection (CAL FIRE). 2022. Fire Hazard Severity Zone Viewer. Available at: <https://egis.fire.ca.gov/FHSZ/>. Accessed June 14, 2022.

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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 During all construction activities and use of diesel vehicles, the applicant shall implement the following idling control techniques:

1. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
 - a. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
 - b. Diesel idling when equipment is not in use shall not be permitted;
 - c. Use of alternative fueled equipment shall be used whenever possible; and
 - d. Signs that specify the no-idling requirements shall be posted and enforced at the construction site.
2. California Diesel Idling Regulations. On-road diesel vehicles shall comply with 13 CCR 2485. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - a. Shall not idle the vehicle's primary diesel engine when vehicle is not in use, except as noted in Subsection (d) of the regulation; and
 - b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the no-idling requirement. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

AQ-2 Prior to initiation of ground-disturbing activities, the applicant shall retain a registered geologist to conduct a geologic evaluation of the property, including sampling and testing for NOA in full compliance with SLOAPCD requirements and the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105). This geologic evaluation shall be submitted to the City Community Development Department upon completion. If the geologic evaluation determines that the project would not have the potential to disturb NOA, the applicant must file an Asbestos ATCM exemption request with the SLOAPCD.

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Biological Resources

BIO-1 Prior to mobilization of any equipment on the project site and installation of project limit fencing/flagging, a qualified Biologist shall conduct an environmental sensitivity training for all project personnel during the project kick-off meeting. The purpose of the training is to educate the personnel on identification of special-status wildlife species that may occur within the project area and to provide an overview of the avoidance and minimization measures to be adhered to during the project. Specifically, the training will emphasize on all special-status wildlife species that would be expected to occur within the project limits, applicable regulatory policies and provisions regarding their protection, and a review of measures being implemented to avoid and/or minimize impacts to the species and their associated habitat. Furthermore, crew members will be briefed on the reporting process in the event that an inadvertent injury should occur to a special-status species during construction.

BIO-2 Prior to mobilization of any equipment on the project site and installation of project limit fencing/flagging, a qualified Biologist shall conduct a seasonally appropriate botanical survey (between April and June) within the project area or any additional project features that are outside the project area.

If special status plant species are present within the proposed ground disturbance area, or within a 50-foot buffer, the applicant shall avoid all impacts to the greatest extent feasible. All plans that are submitted to the County shall include specifications for the installation of protective fencing to prevent any inadvertent impacts to all sensitive plants or their habitat. The protective fencing shall be installed prior to any ground disturbing activities, at the direction of the qualified biologist, and shall be maintained by the applicant throughout the entire construction work period at the subject location.

Should project activities at a site location extend beyond one-year, additional floristic surveys shall be conducted at the location on an annual basis until project construction activities are completed. The results of these surveys shall be submitted to the San Luis Obispo County Department of Planning and Building, United States Fish and Wildlife, and California Department of Fish and Wildlife, as appropriate. A survey buffer of 100 feet should be included to ensure all potential impacts are adequately addressed.

At a minimum, the plan shall include:

1. Identification of locations, amounts, size and types of plants to be replanted, as well as any other necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful reestablishment. Restoration areas shall be located within open space and conservation easements onsite.
2. Provide for a native plant salvage and seed collection effort prior to ground disturbing activities. Salvaged plants shall include, but not be limited to, special status plant species that may be affected.
3. Quantification of impact based on final plans and quantification of mitigation areas such that the replacement criteria are met.
4. A program schedule and success criteria for a minimum five-year monitoring and reporting program that is structured to ensure the success of the restoration

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plan.

5. Individuals that are removed or damaged shall be replaced in-kind at a 2:1 ratio (based on square feet cover) within the designated restoration area with 100% success in five years (inclusive of replacement plantings for unsuccessful individuals).

BIO-3

Immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist, a focused preconstruction survey for legless lizards shall be conducted in proposed work areas. The preconstruction survey shall be conducted by a qualified biologist familiar with legless lizard ecology and survey methods. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence of legless lizards in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If legless lizards are found to be present in the proposed work areas the following steps shall be taken:

1. Legless lizards shall be captured by the project biologist and relocated to an appropriate location well outside the project areas.
2. Construction monitoring shall be required for all new ground-breaking activities located within legless lizard habitat. Construction monitors shall capture and relocate legless lizards as specified above.
3. A letter report shall be submitted to the County within 30 days of legless lizard relocation.

BIO-4

Immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist, a focused preconstruction survey for lesser slender salamander shall be conducted in proposed work areas. The survey shall be conducted on foot by a qualified biologist to relocate lesser slender salamanders out of harm's way. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If lesser slender salamanders are found to be present in the work areas, the following steps shall be taken:

1. Lesser slender salamanders shall be captured by the project biologist and relocated to an appropriate location well outside the project areas.
2. Construction monitoring shall be required for all new ground-breaking activities located within lesser slender salamander habitat. Construction monitors shall capture and relocate lesser slender salamanders as specified above.
3. A letter report shall be submitted to the County within 30 days of lesser slender salamander relocation.

BIO-5

Prior to removal of any trees, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming harbor sensitive bat species or maternal bat colonies. If a non-maternal roost is found, the qualified biologist, with prior approval from California Department of Fish and Wildlife, shall install one-way valves or other appropriate passive relocation method. For each occupied roost removed, one bat box shall be installed in similar habitat and should have similar cavity or crevices properties to those which are removed, including access, ventilation, dimensions, height above ground,

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and thermal conditions. If a maternity colony is identified during the breeding season (generally April to October) and it cannot be avoided, the Applicant shall consult with CDFW for guidance and shall implement all requirements and recommendations provided by CDFW.

BIO-6

Prior to initiation of any site preparation/construction activities for construction of the proposed project, if work is planned to occur between February 1 and September 15, a County of San Luis Obispo-qualified biologist shall survey the area for nesting birds within 1 week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active, as detailed below.

1. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all exterior construction activities have been terminated for the current phase of work, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
2. If special-status avian species are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County of San Luis Obispo and any relevant resource agencies.

The results of the survey shall be provided to the County of San Luis Obispo Planning and Building Department prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming, the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated, and a separate survey report shall be prepared and submitted to the County of San Luis Obispo Planning and Building Department.

BIO-7

An Oak Tree Impact Assessment and Mitigation Report shall be prepared by a licensed arborist or qualified botanist upon completion of final grading and site plans. This report would assess potential tree removals and impacts to CRZ, and outline protection and mitigation requirements for the project according to County standards. The report shall include compensatory planting onsite of individual oak trees through replanting, maintaining and monitoring replacement plantings for at least seven years. Seedling planting will be based on a minimum replacement ratio of 4:1 for oak trees removed and a minimum replacement ratio of 2:1 ratio for oak trees impacted (i.e., disturbance within the root zone area).

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Replacement oak trees shall be from regionally or locally collected seed stock grown in vertical tubes or deep one-gallon tree pots. Four-foot diameter shelters shall be placed over each oak tree to protect it from deer and other herbivores and shall consist of 54-inch tall, welded wire cattle panels (or equivalent material) and be staked using T-posts. Wire mesh baskets, at least two feet in diameter and two feet deep, shall be use below ground. Planting during the warmest, driest months (June through September) shall be avoided.

Replacement oak trees shall be planted no closer than 20 feet on center on average and shall average no more than four planted per 2,000 square feet. Trees shall be planted in random and clustered patterns to create a natural appearance. As feasible, replacement trees shall be planted in a natural setting on the north side of and at the canopy/dripline edge of existing mature native oak trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g., lawns, irrigated areas, etc.). Replanting areas shall be either in native topsoil or areas where native topsoil has been reapplied. Planting locations shall not result in a displacement of existing sensitive plants or habitats.

Geology and Soils

GEO-1 Paleontological Resources. Prior to the start of any ground-disturbing activities at the project site, a County-approved paleontologist shall conduct a paleontological resources awareness training for all project personnel during the project kick-off meeting. The purpose of the training is to educate the personnel on the sensitivity of underlying geologic unit and identification of paleontological resources that may occur within the project area. Furthermore, crew members shall be briefed on the protocol to be followed in the event of inadvertent discovery of paleontological resources.

GEO-2 Inadvertent Discovery. During ground-disturbing activities, if any paleontological resources are encountered, activities in the immediate area of the find shall be halted. A qualified paleontologist shall be retained to evaluate the discovery and whether the encountered resource is significant and if it should be avoided or recovered for its data potential. The paleontologist shall recommend appropriate treatment options pursuant to guidelines developed by the Society of Vertebrate Paleontology. A paleontological resource impact mitigation program for treatment of the resource shall be developed and implemented if paleontological resources are encountered and determined to be significant. If deemed significant, the paleontological resource(s) shall be salvaged and deposited in an accredited and permanent scientific institution where they will be properly curated and preserved.

Noise

N-1 Noise Best Management Practices. For the entire duration of the construction phase of the project, the following BMPs shall be adhered to:

1. Stationary construction equipment that generates noise that exceeds 60 dBA at the project boundaries shall be shielded with the most modern noise control devises (i.e., mufflers, lagging, and/or motor enclosures).
2. Impact tools (e.g., jack hammers, pavement breakers, rock drills, etc.) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools.

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3. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used.
4. All construction equipment shall have the manufacturers' recommended noise abatement methods installed, such as mufflers, engine enclosures, and engine vibration insulators, intact and operational.
5. All construction equipment shall undergo inspection at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers, shrouding, etc.).

N-2

Noise Management. Construction plans shall note construction hours, truck routes, and all construction noise BMPs, and shall be reviewed and approved by the County Planning and Building Department prior to issuance of grading/building permits. The applicant shall provide and post signs stating these restrictions at construction entry sites prior to commencement of construction and maintained throughout the construction phase of the project. All construction workers shall be briefed at a preconstruction meeting on construction hour limitations and how, why, and where BMP measures are to be implemented.