

Attachment D

Environmental Documentation



County of San Diego

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February 11, 2016

Environmental Review Update Checklist Form For projects with Previously Approved Environmental Documents

FOR PURPOSES OF CONSIDERATION OF Amendment #1 to Wholesale Limited, Boutique and Small Wineries Regulations; POD 14-005; ER-08-00-004A

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the subject discretionary action.

1. Background on the previously certified EIR:

An EIR for the 2010 Tiered Winery Ordinance Amendment (POD 08-012; GPA 10-003; Log No. 08-00-004; SCH No. 2008101047) was certified by the San Diego County Board of Supervisors on August 4, 2010. The Tiered Winery Ordinance Amendment was adopted to better regulate winery operations in the County of San Diego with a tiered system of permitting depending on the amount of wine produced/size of operation. The certified EIR found significant effects to air quality, biological resources, cultural resources, hydrology and water quality, noise, transportation/traffic, and water supply/groundwater supply. These effects were all determined to be significant and unmitigated.

2. Lead agency name and address:

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

- a. Contact: Heather Lingelser, Project Manager
- b. Phone number: (858) 495-5802
- c. E-mail: heather.lingelser@sdcounty.ca.gov

3. Project applicant's name and address:
County of San Diego, Planning & Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123-1239

4. Summary of the activities authorized by present permit/entitlement application(s):

On August 4, 2010, the Board of Supervisors approved Zoning Ordinance Amendments to establish a Tiered Winery Ordinance. A primary component of the ordinance was the creation of a Boutique Winery tier, which allowed for tasting rooms in conjunction with ongoing agricultural vineyard operations.

Since its adoption, a number of issues have arisen that affect the adequate implementation of the ordinance. Planning & Development Services (PDS) has prepared draft amendments to the Tiered Winery Ordinance to resolve discrepancies with existing ordinance language. These amendments would not change the purpose or intent of the Ordinance, but have been proposed to eliminate any ambiguity in the requirements for compliance and to strengthen the County's ability to document compliance with the Ordinance through the maintenance of records regarding the amount of fruit grown on the premises and the origin of all fruit, juice, and/or wine imported from off the premises. In addition, clarification will be added to the Boutique Winery section to further clarify the size and areas included for wine tastings, the definition of an event and clarification of the allowance for catered food. Specifically, Section 6910 of the Zoning Ordinance is proposed to be amended to read as follows (Ordinance revisions are shown in "strike-out/underline." Deletions have been struck out and additions are underlined):

6910 WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES

The provisions of Section 6910 shall be known as the Wholesale Limited, Boutique and Small Wineries Regulations. The purpose of these regulations is to promote production of wine from fruit grown in San Diego County, to support local agriculture and to prescribe reasonable standards and procedures for the operation of wineries. Commercial activities not expressly allowed pursuant to the provisions of Section 6910 are prohibited.

- a. Wholesale Limited Winery. A Wholesale Limited Winery shall comply with the following provisions:
1. Prior to the occupancy of the winery structures and the production of wine, Aa Wholesale Limited Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.
 2. On-site sales to the public of wine and other goods from the winery, tasting rooms, and/or ~~special~~ events, including but not limited to weddings and parties, are prohibited. Internet sales, phone sales and mail-order sales are allowed.
 3. The maximum floor area of a production facility (non-residential structure(s) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in

winemaking, including shipping, receiving, laboratory, maintenance and offices) is limited as follows: to 1,000 square feet where the lot is less than one gross acre. A maximum floor area of 1,500 square feet is allowed where the lot is one acre or more but less than two acres gross, and 2,000 square feet of floor area is allowed where the lot is two to four acres gross. An additional 200 square feet of floor area is allowed for each acre over four acres, up to a maximum of 5,000 square feet of additional allowed floor area.

<u>Lot Size (gross)</u>	<u>Production Facility Size (cumulative max.)</u>
<u>< 1 ac</u>	<u>1,000 sf</u>
<u>1 ac - <2 ac</u>	<u>1,500 sf</u>
<u>2 ac - 4 ac</u>	<u>2,000 sf</u>
<u>For each acre over 4 acres</u>	<u>200 sf additional per acre, not to exceed 5,000 sf</u>

No barns, agricultural storage buildings and/or other accessory structures permitted pursuant to Section 6156 shall be used as a production facility for the Wholesale Limited Winery Use.

4. Up to 75 percent of the fruit used in winemaking may be imported from off the premises while the remainder shall be grown on the premises. A minimum of 25% of the winery's production shall be from fruit grown on the premises. Up to 75% of the winery's production may be from sourced fruit/juice from inside or outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
Within/Outside	75% (max.)	Permitted	Prohibited
San Diego County			
TOTAL	100%		

No wine produced off of the premises may be used in the winery's production or sold from the premises.

- i. The owner of the winery shall keep records detailing the amount of fruit grown on the premises and the amount of fruit and/or juice imported from off the premises, to demonstrate compliance with this Section.
 - ii. The records shall indicate the dates of receipt and quantities of all imported fruit and/or juice and shall indicate the off-site growers name, address and location of the growing operation from which the fruit is imported.
 - iii. All records shall be provided within 14 days of request by County staff.
5. Wine production shall be less than 12,000 gallons annually.
6. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control.

7. A Wholesale Limited Winery shall demonstrate compliance with the ~~emergency travel times~~ Travel Time Standards from the Closest Fire Station, specified in the Public Facilities Element, Section 11 Safety Element, Table S-1.
- b. Boutique Winery. A Boutique Winery shall comply with the following provisions:
 1. Prior to the occupancy of the winery structures and the production of wine, Aa Boutique Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.
 2. Wine production shall be less than 12,000 gallons annually.
 3. Of the total fruit used in winemaking a minimum of 75% shall be grown within San Diego County, a minimum of 25% shall be grown on the premises and a maximum of 25% may be grown outside of San Diego County. A minimum of 25% of the winery's production shall be from fruit grown on the premises. A minimum of 50% of the winery's production shall be from fruit grown or sourced fruit and/or wine produced in San Diego County with San Diego County grapes. No more than 25% of the winery's production may consist of fruit, juice or wine sourced from outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
San Diego County	50% (min.)	Permitted	Permitted
Outside San Diego County	25% (max.)	Permitted	Permitted
TOTAL	100%		

- i. The owner of the winery shall maintain records detailing the total annual production amount of fruit grown on the premises and the amount of fruit, juice and/or wine imported from off the premises, to demonstrate compliance with this Section.
 - ii. The records shall indicate the dates of receipt and quantities of all imported fruit, juice and/or wine and shall indicate the off-site growers name, address and location of the growing operation from which the fruit/juice and/or wine is imported.
 - iii. All records shall be provided within 14 days of request by County staff.
4. The maximum floor area of the production facility (non-residential structure(s)) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking, including shipping, receiving, laboratory, maintenance and offices, is limited as follows: to 1,000 square feet where the lot is less than one gross acre. A maximum floor area of 1,500 square feet is allowed where the lot is one acre or more but less than two acres gross, and 2,000 square feet of floor area is allowed where the lot is two to four acres gross. An additional 200 square feet of floor area is allowed for each acre over four acres, up to a maximum of 5,000 square feet of additional allowed floor area.

Lot Size (gross)	Production Facility Size (cumulative max.)
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<u>Lot Size (gross)</u>	<u>Production Facility Size (cumulative max.)</u>
<u>< 1 ac</u>	<u>1,000 sf</u>
<u>1 ac - <2 ac</u>	<u>1,500 sf</u>
<u>2 ac - 4 ac</u>	<u>2,000 sf</u>
<u>For each acre over 4 acres</u>	<u>200 sf additional per acre, not to exceed 5,000 sf</u>

No barns, agricultural storage buildings and/or other accessory structures permitted pursuant to Section 6156 shall be used as a production facility or tasting/retail sales area for the Boutique Winery.

5. The Boutique Winery structures permitted in Section 6910b.4 may contain One tasting/retail sales room area is allowed in addition to the Boutique Winery structures permitted in 6910.b.4. The tasting/retail sales room area shall be accessory to wine production, and shall not exceed 30% of the total square footage of the all permitted Boutique Winery production facility structures, used for wine production, and shall comply with the following:
- i. All areas accessed by the public must be permitted and constructed in compliance with the applicable commercial building code, including the requirements of the Americans with Disabilities Act;
 - ii. Barns and agricultural storage buildings on the premises which are not permitted as part of the Boutique Winery production facility shall not be included for purposes of calculating the allowed area of the tasting/retail sales area;
 - iii. For the purposes of this Section, a tasting/retail sales area is defined as a room, cave, trellis and/or outdoor patio area (covered or uncovered) that is dedicated for wine tasting and sales of wines produced on-site and food related items;
 - iv. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes.
 - v. Internet sales, phone sales and mail-order sales are allowed.
6. Events, including but not limited to weddings and parties, are prohibited except as provided in this Section. An event, for purposes of this Section, is defined as the use of the site for organized activities or gatherings (other than wine production, wine sales, wine tasting, agricultural instruction and educational tours), including any activities or gatherings that are advertised or promoted.

Pursuant to Section 6106 of the Zoning Ordinance, Community Events as defined in and as limited by Chapter 2 of Division 1 of Title 2 of the San Diego County Code (sections 21.201 – 21.208) may be allowed and subject to all applicable licenses required by the Sheriff pursuant to Chapter 1 of Division 1 of Title 2 of the San Diego County Code (sections 21.101 – 21.117).

7. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be ~~approved~~ permitted by the County of San Diego Department of Environmental Health (DEH). Catered food service is allowed by a DEH-permitted caterer, but no food preparation is allowed at a Boutique Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.
 - i. One mobile food facility may be allowed on the Boutique Winery premises to serve the patrons of the tasting room during the approved hours of operation as specified in b.8;
 - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
 - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
 8. A tasting/retail sales room-area in conjunction with a Boutique Winery is allowed to operate may be open to the public seven days a week from 10 a.m. until legal sunset, or until 6 p.m. from November 1 through March 1 seven days a week.
 9. A minimum of six parking spaces shall be provided for ~~customers~~ patrons using the Boutique Winery, and a minimum of three spaces shall be provided for ~~employees and Boutique Winery operations and employees of the Boutique Winery~~. No parking for a Boutique Winery is allowed off the premises.
 10. The on-site driveway and parking area used to access the Boutique Winery shall not be dirt. The on-site driveway and parking area may be surfaced with Chip Seal, gravel, or an alternative surfacing material such as recycled asphalt suitable for lower traffic volumes. Any disabled access parking stalls, access aisles, and accessible routes provided for compliance with California Building Code chapter 11B shall be stable, firm, and slip-resistant.
 11. Outdoor Amplified sound is not allowed.
 12. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code of ~~Regulatory Ordinances~~ relating to Noise Abatement and Control.
 13. Outdoor eating areas shall be limited to a combined maximum of five tables and seating for no more than 20 people and shall be used in conjunction with allowed Boutique Winery operations only during the hours specified in subsection b.8.
 14. Vehicles with a capacity in excess of ~~42~~15 passengers are not allowed to serve the Boutique Winery.
 15. A Boutique Winery shall demonstrate compliance with the ~~emergency travel times~~ Travel Time Standards from the Closest Fire Station, specified in the ~~Public Facilities Element, Section 44~~ Safety Element, Table S-1.
- c. Small Winery. A Small Winery shall comply with the following provisions:

1. Prior to the occupancy of the winery structures and the production of wine, Aa Small Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. The applicant shall disclose if any other licenses issued by the California Department of Alcoholic Beverage Control will be relied upon for operations at the Small Winery.
2. Wine production shall be less than 120,000 gallons annually.
3. Of the total fruit used in winemaking a minimum of 50% shall be grown within San Diego County, a minimum of 25% shall be grown on the premises and a maximum of 50% may be grown outside of San Diego County. A minimum of 25% of the winery's production shall be from fruit grown on the premises. An additional minimum of 25% of the winery's production shall be from fruit grown or juice/wine produced in San Diego County with San Diego County grapes. No more than 50% of the winery's production may consist of sourced fruit, juice or wine from outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
San Diego County	25% (min.)	Permitted	Permitted
Outside San Diego County	50% (max.)	Permitted	Permitted
TOTAL	100%		

- i. The owner of the winery shall maintain records detailing the amount of fruit grown on the premises (including properties pursuant to subsection iv) and the amount of fruit/juice and/or wine imported from off the premises, to demonstrate compliance with this Section.
- ii. The records shall indicate the dates of receipt and quantities of all imported fruit/juice and/or wine and shall indicate the off-site growers name, address and location of the growing operation from which the fruit/juice and/or wine is imported.
- iii. All records shall be provided within 14 days of request by County.
- iv. "Fruit grown on the premises," as that phrase is used above in c.3, may include fruit grown on a separate property or properties under the same ownership or lease as the Small Winery, provided all of the following criteria are met:
 - a) "Separate property" or "properties" shall mean parcels located within the County that are not contiguous to one another, are under the same ownership or lease as the Small Winery, and are part of the same Small Winery operation;
 - b) All properties shall be clearly delineated and included as part of the Small Winery Administrative Permit and shall be subject to all conditions of approval;
 - c) Only one of the parcels shall have the wine production facilities, tasting area and/or event areas. That parcel shall be a minimum of 4 acres in size;

- d) For wineries smaller than 8 acres in size, at least 50% of the “fruit grown on the premises” shall be grown on the parcel which contains the wine production facilities and tasting area. For wineries 8 acres or larger in size, at least 25% of the “fruit grown on the premises shall be grown on the parcel which contains the wine production facilities and tasting area;
 - e) Events of any kind are permitted only on the parcel which contains the production facility, tasting area, and approved event areas. No events shall be permitted on any of the other properties included as part of the Small Winery.
- 4. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be ~~approved~~ permitted by the County of San Diego Department of Environmental Health (DEH). Catered food service is allowed by a DEH-permitted caterer, but no food preparation is allowed at a Small Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Small Winery premises.
 - i. One mobile food facility may be allowed on the Small Winery premises to serve the patrons during the approved hours of operation;
 - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
 - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
- 5. Events, including but not limited to weddings and parties, may be allowed as specified in the Administrative Permit upon the making of the findings in Section 6910.c.6. Events shall comply with the requirements of Section 21.201 et seq. of the County Code.

Pursuant to Section 6106 of the Zoning Ordinance, Community Events as defined in and as limited by Chapter 2 of Division 1 of Title 2 of the San Diego County Code (sections 21.201 – 21.208) are allowed and subject to all applicable licenses required by the Sheriff pursuant to Chapter 1 of Division 1 of Title 2 of the San Diego County Code (sections 21.101 – 21.117).
- 6. An Administrative Permit for a Small Winery is required and may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if it is found:
 - i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
 - a) Harmony in scale, bulk, coverage and density.
 - b) The availability of public facilities, services and utilities.

- c) The harmful effect, if any, upon desirable neighborhood character.
 - d) The generation of traffic and the capacity and physical character of surrounding streets.
 - e) The suitability of the site for the type and intensity of use or development which is proposed.
 - f) Any other relevant impact of the proposed use.
- ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
 - iii. That the requirements of the California Environmental Quality Act have been complied with.
 - iv. Notice shall be provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.
7. A Small Winery shall demonstrate compliance with the ~~emergency travel times~~ Travel Time Standards from the Closest Fire Station, specified in the Safety Element, Table S-1.
8. ~~Notice shall be provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.~~
5. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?
- | | |
|--|--------------------------|
| YES | NO |
| <input checked="checked" type="checkbox"/> | <input type="checkbox"/> |

On August 4, 2010, the Board of Supervisors approved Zoning Ordinance Amendments to establish a Tiered Winery Ordinance. A primary component of the ordinance was the creation of a Boutique Winery tier, which allowed for tasting rooms in conjunction with ongoing agricultural vineyard operations.

Since its adoption, a number of issues have arisen that affect the adequate implementation of the ordinance. PDS has prepared draft amendments to the Tiered Winery Ordinance in an effort to clarify the intent of the ordinance and to resolve discrepancies with existing ordinance language. See the proposed amendments to the existing Tiered Winery Ordinance in Section 4 above.

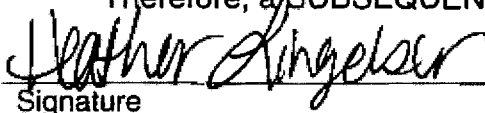
SUBJECT AREAS DETERMINED TO HAVE NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND OR EIR. The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> NONE | | |
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology & Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Haz Materials | <input type="checkbox"/> Hydrology & Water Quality |
| <input type="checkbox"/> Land Use & Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population & Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities & Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION:

On the basis of this analysis, Planning & Development Services has determined that:

- ☒ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously certified EIR is adequate upon completion of an ADDENDUM.
- ☐ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with a EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.


Signature

February 11, 2016
Date

Heather Lingelser
Printed Name

Project Manager
Title

INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an ND has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration; or
 - b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration or previously certified EIR; or
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration or EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

The following responses detail any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that may cause one or more effects to environmental resources. The responses support the "Determination," above, as to the type of environmental documentation required, if any.

ENVIRONMENTAL REVIEW UPDATE CHECKLIST

I. AESTHETICS – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings within a state scenic highway; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

YES

☐

NO

☒

No. Potential aesthetic impacts were an environmental effect that was found not to be significant by the Environmental Initial Study prepared for the previous amendment to the Tiered Winery Ordinance.

Nothing in the currently proposed amendment would change the potential for impacts to aesthetics because the amendments would promote production of wine from fruit grown in San Diego County; require that records be maintained detailing compliance with the requirements for local-grown fruit and limitations on the importation of fruit, juice, and wine; limit commercial activities to those winery-related activities expressly allowed by the ordinance and state that those activities not expressly allowed are prohibited; require that structures comply with the applicable commercial building code and the Americans with Disabilities Act; define tasting/retail sales areas; apply the California Retail Food Code; define events; require compliance with the Community Events Permit process pursuant to Section 21.202 of the San Diego County Code; clarify the regulations regarding food preparation and service, including clarification regarding the use of a mobile food facility (food truck); replace legal sunset as time of closure with 6:00 p.m. from November 1 through March 1; clarify parking requirements; require compliance with California Building Code Chapter 11B for disabled parking and access; clarify that amplified sound is only prohibited outdoors; and increase the maximum allowed capacity of vehicles allowed to serve a Boutique Winery from 12 to 15.

None of the proposed changes in regulation would translate to physical changes to the environment that could possibly result in an adverse effect to aesthetics based on the County of San Diego *Guidelines Determining Significance and Report Format and Content Requirements for*

Visual Resources (July 30, 2007). The Environmental Initial Study for the previously certified EIR found that aesthetics would be an environmental effect found not to be significant under the original Tiered Wineries Ordinance. This conclusion would remain unchanged because the proposed amendment simply provides greater specificity in defining, interpreting, and clarifying the existing regulation of Wholesale Limited, Boutique, and Small Wineries, and does not change the regulation in a way that would modify the number or size of structures that could be constructed under the ordinance. As a result, the amendment would not result in increased development that could impact scenic resources or views beyond what was considered in the previously certified Final EIR.

As was noted in the previously certified Final EIR, the project area spans a large area in the eastern portion of the unincorporated areas of the County of San Diego and includes lands zoned for agriculture which are mostly undeveloped. The areas that have been developed have been predominantly developed in a rural fashion, with large lot sizes, agricultural or related uses, and have limited infrastructure and service availability. The Final EIR identified that a significant impact would occur if the proposed project would cause a substantial effect on a scenic vista, substantially damages scenic resources, substantially degrades the existing visual character or quality of the site, or creates a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

Future wineries built pursuant to the currently proposed amendment to the Tiered Winery Ordinance may potentially be visible from a designated scenic vista, but to no greater extent than what could occur under the existing ordinance, as disclosed in the Final EIR. Structures associated with the Wholesale Limited and Boutique Winery would be subject to the size, height, and setback limitations applicable to all other properties located in the A70 and A72 zones; the impact would be no greater than for any other accessory structure customarily found in agricultural zones. None of the proposed amendments to the Zoning Ordinance would change these conclusions because there would be no measurable change to the potential for the development of winery structures that would be triggered by the proposed amendments.

Furthermore, the previously certified Final EIR found that if a future proposed Wholesale Limited or Boutique Winery facility involved substantial landform modification/grading that would have an adverse visual impact on a scenic vista, a discretionary Grading Permit would be required and would require further environmental review. The previously certified Final EIR also found that wineries developed under the ordinance would be expected to be compatible with the existing visual environments in terms of visual character and quality because the structures associated with the Wholesale Limited and Boutique Winery would be subject to the size, height, and setback limitations applicable to all other properties located in the A70 and A72 Zones, and the impact would be no greater than for any other accessory structure customarily found in agricultural zones. The winery must also include a vineyard, which would make the facility more compatible with the visual environment found in agricultural areas. Additionally, Wholesale Limited and Boutique Wineries are agricultural uses and would be limited in size and in the level of activity so as to be compatible in scale and character with other uses allowed in the A70 and A72 zones. The proposed amendments would not alter these findings because future wineries involving substantial landform modification under the proposed amendments would be required to obtain a discretionary grading permit that would be subject to environmental review.

With regards to light and glare; the proposed amendment would not increase the potential for light or glare over what was analyzed in the previously certified Final EIR. The proposed amendment would replace legal sunset as time of closure with 6:00 p.m. from November 1 through March 1 for the tasting/retail sales areas at Boutique Wineries. This change would increase operations by 14 minutes (on March 1) up to one hour and 13 minutes on the shortest day of the year. It is likely that winery properties have existing outdoor lighting for use by the property owners. Since the extended hours would only be applicable for four months of the year, it would not result in a new significant impact. Future development under these amendments would be required to comply with existing lighting regulations identified in the Final EIR. As discussed in the previously certified Final EIR, outdoor lighting would be required to meet the provisions of the County of San Diego Zoning Ordinance (Section 6322-6326) and the Light Pollution Code (Section 59.101-59.115) that were established to minimize the impact of new sources light pollution on nighttime views. For this reason, the proposed amendment to the Zoning Ordinance would not increase the severity of light or glare over what was analyzed in the previously certified Final EIR.

Because the currently proposed amendment to the Tiered Winery Ordinance would not cause any new environmental impacts associated with aesthetic resources and would not increase the severity of any previously identified impacts, no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects are required. No changes regarding aesthetics are required to be addressed in the Addendum to the previously certified Final EIR.

II. AGRICULTURE AND FORESTRY RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agriculture or forestry resources including: conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, conflicts with existing zoning for agricultural use or Williamson Act contract, or conversion 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))?

YES
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NO
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No. Potential impacts to agriculture resources were found to be not significant as part of the EIR process for the previous amendment to the Tiered Winery Ordinance. Since one of the objectives of the ordinance is to encourage and facilitate the growth of the wine industry in the County, it was anticipated that any conversion of agricultural lands would be from one crop type to another (based on market conditions) rather than to non-agricultural uses.

The expansion of vineyards was determined to be consistent with the A70/A72 agricultural zoning designations and is an agricultural use that would be consistent with Williamson Act Contract lands within the project area. Because the ordinance involves only agricultural activities within agriculturally zoned lands (the A70 and A72 Zones), it was determined by the EIR to have no impact relative to agricultural resources.

Nothing in the currently proposed amendment would change the potential for impacts to agriculture because the amendments would promote production of wine from fruit grown in San Diego County; require that records be maintained detailing compliance with the requirements for local-grown fruit and limitations on the importation of fruit, juice, and wine; limit commercial activities to those winery-related activities expressly allowed by the ordinance and state that those activities not expressly allowed are prohibited; require that structures comply with the applicable commercial building code and the Americans with Disabilities Act; define tasting/retail sales areas; apply the California Retail Food Code; define events; require compliance with the Community Events Permit process pursuant to Section 21.202 of the San Diego County Code; clarify the regulations regarding food preparation and service, including clarification regarding the use of a mobile food facility (food truck); replace legal sunset as time of closure with 6:00 p.m. from November 1 through March 1; clarify parking requirements; require compliance with California Building Code Chapter 11B for disabled parking and access; clarify that amplified sound is only prohibited outdoors; and increase the maximum allowed capacity of vehicles allowed to serve a Boutique Winery from 12 to 15. The clarification on the limitations on the importation of grapes, juice, and wine from outside San Diego County that are found within the proposed amendment would promote agriculture in San Diego County through the requirement to utilize a percentage of grapes, juice, and wine grown and produced in San Diego County. As the amendments would promote agriculture and would not increase the allowable number or footprint of structures, the project would not create any new impact to agriculture beyond what was addressed in the previously certified Final EIR.

Subsequent to the certification of the Final EIR for the previous amendment, the CEQA Guidelines were amended to require that the potential environmental effects of forestry resources be addressed in CEQA documents. The County of San Diego does not contain any forestry resources as defined by the Guidelines. The project will result in textual revisions to the Tiered Winery Ordinance, and will not result in an increase in intensity or density of wineries beyond that already anticipated under the current ordinance. Therefore, no new environmental impacts associated with forestry resources would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required.

The discussion of the lack of forestry resources within San Diego County and the lack of potential significant effects relating to changes in zoning for forest lands, loss of forest lands, or conversion of forest lands to non-forest use are included in the Addendum to the previously certified Final EIR.

III. AIR QUALITY -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; 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; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

YES
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NO
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No. Both project-level and cumulative-level impacts to air quality were determined to be significant and unmitigated in the EIR prepared for the previous amendment of the Tiered Winery Ordinance. This was because future development of an unknown number of new or expanded winery operations (Wholesale Limited or Boutique) at unknown locations could impact air quality. And by-right uses would not be subject to discretionary approval, and thus, no additional environmental review would be conducted and there would be no enforcement mechanism to guarantee there would be no increase in emissions.

Impacts of specific future winery projects could not be determined nor could appropriate mitigation measures be identified or enforced. Therefore, a Statement of Overriding Considerations was adopted. Typical mitigation measures for future projects could include requirements to avoid increases in emissions from construction and operation, such as wetting disturbed soil during grading for dust control, and limiting idling of diesel-fueled construction equipment to 5 minutes or less.

The proposed amendment to the Tiered Winery Ordinance would not alter these findings. The proposed changes that could be associated with potential air quality impacts are the allowance for Boutique Wineries to have up to 50 percent of their wine production from grapes grown or sourced wine produced by other San Diego County wineries, the allowance for Small Wineries to have up to 25 percent of their wine production from grapes grown or wine produced by other San Diego County wineries and the allowance to have up to 50 percent of their production consist of sourced grapes or wine from outside of San Diego County, the increase in the allowed capacity of passenger vehicles from 12 passengers to 15 passengers, and the occasional non-profit events held at the Boutique Wineries. However, these changes largely provide clarification to the existing ordinance. The increase in allowed capacity of passenger vehicles from 12 passengers to 15 passengers is not expected to increase any significant effects because the previously certified Final EIR already considered the impact of allowing larger passenger vehicles. Passenger vehicles rated for 12 passengers have nearly identical emissions as those rated for 15 passengers, and use of the slightly larger vehicles could reduce the total number of vehicle miles traveled for winery visits. Other ordinance changes clarify limitations on the origin, importation, and sale of grapes. Allowance for occasional non-profit events would be consistent with existing zoning regulations that currently allow special events to occur on similar zoned properties by-right throughout the County and therefore would not be expected to change the number of vehicle trips and associated emissions since by-right special events already exist through-out the County. In light of the fact that there would be little measurable change to potential impacts to air quality, these impacts would remain significant and unmitigable. Therefore, no new environmental impacts associated with air quality would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding air quality are required to be addressed in the Addendum to the previously certified Final EIR. Greenhouse gases (GHG) are addressed in Section VII of this document.

IV. BIOLOGICAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local

or regional plan, policy, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

YES
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NO
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No. Both project-level and cumulative-level impacts to biological resources were determined to be significant and unmitigated in the EIR prepared for the previous amendment of the Tiered Winery Ordinance. Impacts of specific future winery projects could not be determined nor could appropriate mitigation measures be identified or enforced. This conclusion was specific to candidate, sensitive, and special status species, riparian habitat/sensitive natural communities, wetlands, and wildlife movement. Because the impacts to biological resources were found to be significant and unmitigated, a Statement of Overriding Considerations was adopted.

As discussed in the previously certified Final EIR, winery projects that require a discretionary permit, such as a grading permit, would trigger environmental review. For these projects, typical mitigation measures could include avoidance, preservation, or replacement of sensitive resources, habitats, species, or natural communities. Where a proposed project has the potential to conflict with wildlife movement, local ordinances, or a habitat conservation plan/natural community conservation plan/multiple species conservation program, mitigation such as open space easements, buffers, and adjacency guidelines (among others) may be used to mitigate impacts.

At the same time, the previously certified Final EIR also recognized there could be future by-right projects for which related discretionary permits are required, but for which mitigation would not be feasible, or for which no related discretionary permit is required at all (e.g., where grading is less than 200 cubic yards, but which would impact native or fallow land). For such by-right projects, CEQA review would not be required, and appropriate mitigation would not be enforced.

The currently proposed amendment to the Tiered Winery Ordinance would not alter these findings because the amendments largely provide clarification to the ordinance language and do not change the ordinance in a way that would increase the possibility for physical effects on the environment. For example, the ordinance changes would not increase the number of buildings or square footage of allowed structures. More specifically, the amendments promote production of wine from fruit grown in San Diego County; require that records be maintained detailing compliance with the requirements for local-grown fruit and limitations on the importation of fruit, juice, and wine; limit commercial activities to those winery-related activities expressly allowed by the ordinance and state that those activities not expressly allowed are prohibited; require that structures comply with the applicable commercial building code and the Americans with Disabilities Act; define tasting/retail sales areas; apply the California Retail Food Code; define events; require compliance with the Community Events Permit process pursuant to Section 21.202 of the San Diego County Code; clarify the regulations regarding food preparation and service, including clarification regarding the use of a mobile food facility (food truck); replace legal sunset as time of

closure with 6:00 p.m. from November 1 through March 1; clarify parking requirements; require compliance with California Building Code Chapter 11B for disabled parking and access; clarify that amplified sound is only prohibited outdoors; and increase the maximum allowed capacity of vehicles allowed to serve a Boutique Winery from 12 to 15. As these changes clarify the intent of the existing ordinance that was evaluated in the previously certified Final EIR or provide minor revisions that would not change the potential for biological resource impacts, new or more severe significant effects would not occur.

Therefore, no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding biological resources are required to be addressed in the Addendum to the previously certified Final EIR.

V. CULTURAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

YES
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NO
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No. Both project-level and cumulative-level impacts to cultural resources were determined to be significant and unmitigated in the EIR prepared for the previous amendment of the Tiered Winery Ordinance. Impacts of specific future winery projects could not be determined nor could appropriate mitigation measures be identified or enforced. Therefore, a Statement of Overriding Considerations was adopted.

As discussed in the previously certified Final EIR, winery projects that require a discretionary permit, such as a grading permit, would trigger environmental review. For these projects, cultural resources mitigation could include: avoidance; preservation; replacement of sensitive archaeological and historical resources or human remains; project relocation/redesign; capping; data recovery; and measures to control erosion and increased public use.

At the same time, the previously certified Final EIR also recognized there could be future by-right projects for which related discretionary permits are required, but for which mitigation would not be feasible, or for which no related discretionary permit is required at all (e.g., where grading is less than 200 cubic yards, but which would impact native or fallow land). For such by-right projects, CEQA review would not be required, and appropriate mitigation would not occur.

The currently proposed amendment would not alter these findings because the amendments largely provide clarification to the ordinance language and the amendments would not result in any measurable changes to anticipated grading or development of winery facilities and vineyards. The proposed changes allow for Boutique Wineries to have up to 50 percent of their wine production from grapes grown or sourced wine produced by other San Diego County wineries, the allowance for Small Wineries to have up to 25 percent of their wine production from grapes grown or wine

produced by other San Diego County wineries and the allowance to have up to 50 percent of their production consist of sourced grapes or wine from outside of San Diego County, the increase in the allowed capacity of passenger vehicles from 12 passengers to 15 passengers, and the occasional non-profit events held at the Boutique Wineries. Changes in the number of passengers per vehicle and the ability to hold occasional non-profit events at Boutique Wineries would have no impact on cultural resources as they would not involve any increase in ground disturbing activities. Therefore, no new environmental impacts associated with cultural resources would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding cultural resources are required to be addressed in the Addendum to the previously certified Final EIR.

VI. GEOLOGY AND SOILS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having 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?

YES
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NO
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No. Potential impacts to the project that would be caused by geology and soils were an environmental effect that was found not to be significant by the Environmental Initial Study prepared for the previous amendment to the Tiered Winery Ordinance. While San Diego County is within a seismically active area and there are numerous other geologic hazards, structures built pursuant to the ordinance would be required to comply with the County of San Diego Building Code requirements which take into account these geologic hazards. Therefore, construction of structures in conformance with the County of San Diego Building Code would not create substantial risks to life or property.

Nothing in the currently proposed amendment would change the potential for impacts relating to geology and soils because the textual revisions would clarify and provide additional detail regarding the existing regulations which would result in little to no measurable physical changes to the environment. The type and amount of development associated with wineries in San Diego County would not be expected to change based on the proposed amendment. The addition of the requirement that disabled access parking stalls, access aisles, and accessible routes provided for compliance with California Building Code chapter 11B be stable, firm, and slip-resistant is referencing and clarifying the intent of an existing requirement. Therefore, the conclusion that geology and soils would be an environmental effect found not to be significant would remain unchanged, no new environmental impacts associated with geology and soils would occur, and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant

effects is required. No changes regarding geology and soils are required to be addressed in the Addendum to the previously certified Final EIR.

VII. GREENHOUSE GAS EMISSIONS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects related to environmental effects associated with greenhouse gas emissions or compliance with applicable plans, policies or regulations adopted for the purpose of reducing greenhouse gas emissions?

YES
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NO
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No. Both project-level and cumulative-level impacts to air quality, including GHG emissions, were determined to be significant and unmitigated in the EIR prepared for the previous amendment of the Tiered Winery Ordinance. The CEQA Guidelines were amended (March 2010) to require that the potential environmental effects of greenhouse gas emissions be addressed in CEQA documents. This was four months prior to the certification of the Final EIR for the previous amendment to the Tiered Winery Ordinance and GHG emissions were fully covered in the air quality section of the previously certified Final EIR. ,

Applicable state regulations include those of CARB, California Code of Regulations Title 24, California Assembly Bill (AB) 1493, Executive Order S-3-05, AB 32, the California Global Warming Solutions Act of 2006 (California Health and Safety Code, Section 38500 et seq.), Executive Order S-01-07, Senate Bill (SB) 97, SB 375, SB 1368, SB 1078, and additional California climate change initiatives. New and updated state policies and regulations that are relevant to the proposed Project are summarized below.

AB 32 and Executive Order S-3-05

Executive Order S-3-05, signed by Governor Arnold Schwarzenegger in 2005, proclaims that California is vulnerable to the impacts of climate change. It declares that increased temperatures could reduce the Sierra Nevada snowpack, further exacerbate California's air quality problems, and potentially cause a rise in sea levels. To combat those concerns, the executive order established total GHG emission targets for the state. Specifically, emissions are to be reduced to the 2000 level by 2010, the 1990 level by 2020, and to 80 percent below the 1990 level by 2050.

Legislation was passed in 2006 (AB 32, the California Global Warming Solutions Act of 2006) to limit GHG emissions to 1990 levels by 2020 with continued "reductions in emissions" beyond 2020, but no specific additional reductions were enumerated in the legislation. Further, SB 375 (sustainable community strategies/transportation) established goals for emissions from light duty truck and automobiles for 2020 and 2035.

A recent California Appellate Court decision, Cleveland National Forest Foundation v. San Diego Association of Governments (November 24, 2014) Cal.App.4th, further examined the executive order and whether it should be viewed as having the equivalent force of a legislative mandate for specific emissions reductions. The case has been accepted for review by the California Supreme Court, and therefore is not currently considered a precedent.

Executive Order B-30-15

On April 20, 2015 Governor Edmund G. Brown Jr. signed Executive Order B-30-15 to establish a California GHG reduction target of 40 percent below 1990 levels by 2030. The Governor's executive order aligns California's GHG reduction targets with those of leading international governments such as the 28-nation European Union which adopted the same target in October 2014. California is on track to meet or exceed the current target of reducing GHG emissions to 1990 levels by 2020, as established in the California Global Warming Solutions Act of 2006 (AB 32). California's new emission reduction target of 40 percent below 1990 levels by 2030 will make it possible to reach the ultimate goal of reducing emissions 80 percent below 1990 levels by 2050 established under Executive Order B-30-15. This is in line with the scientifically established levels needed in the U.S. to limit global warming below 2 °C, the warming threshold at which there will likely be major climate disruptions such as super droughts and rising sea levels.

As discussed in the previously certified Final EIR, total GHG emissions that would be emitted as a result of operation of wineries under the Tiered Winery Ordinance would primarily be due to three sources: vehicular traffic on area roadways, emissions from the generation of electricity, and natural gas consumption/combustion associated with winery operations. The emissions from vehicular traffic on roadways can be calculated based on the traffic projections for only the community plan areas identified in the traffic analysis; however, the emissions from electricity and natural gas that could result from winery operations would depend on the size and type of equipment and facilities used and the production amount. Because the location and number of new or expanded wineries that could operate in A70/72 Zones is not known, the emissions from electricity use could not be quantified.

The GHG analysis in the previously certified Final EIR was based on the California Air Resources Board (CARB)-recommended interim threshold of 7,000 metric tons of CO₂ Eq. per year and concluded that GHG emissions from a single by-right winery would not exceed that threshold. However, the addition of as few as four additional Boutique Wineries could result in CO emissions that exceed the thresholds. Also, emissions related to electricity generation and natural gas consumption would also add to these emissions. The addition of four Boutique Wineries somewhere throughout the County as a result of the previous Ordinance Amendment was deemed likely. Therefore, the incremental increase of greenhouse gas emissions resulting from the project was determined to be cumulatively significant.

The proposed amendment is not expected to result in any quantifiable change to anticipated GHG impacts because the proposed changes that could be associated with potential GHG emissions are the allowance for Boutique Wineries to have up to 50 percent of their wine production from grapes grown or sourced wine produced by other San Diego County wineries, the allowance for Small Wineries to have up to 25 percent of their wine production from grapes grown or wine produced by other San Diego County wineries and the allowance to have up to 50 percent of their production consist of sourced grapes or wine from outside of San Diego County, the increase in the allowed capacity of passenger vehicles from 12 passengers to 15 passengers, and the occasional non-profit events held at the Boutique Wineries. However, these changes largely provide clarification to the existing ordinance language and would not be associated with an increase in the intensity of use or change in the type of use analyzed in the previously certified Final EIR. The increase in allowed capacity of passenger vehicles from 12 passengers to 15 passengers is not expected to increase emissions because the previously certified Final EIR

considered the impact of allowing larger passenger vehicles. This change could actually result in a slight reduction in GHG emissions as fewer trips would be required to transport a finite number of visitors. Other ordinance changes clarify limitations on the origin, importation, and sale of grapes but would not be expected to change the number of vehicle trips and associated emissions compared to the existing ordinance because they clarify existing regulation and require increased accountability for compliance with the regulations. The ordinance amendments would specify allowances for the importation and sale of wine from outside of San Diego County. As the original ordinance accounted for trips associated with importation of grapes from various locations, any trips associated with the transfer of wine, grapes and juice from one location to another would be associated with minimal GHG emissions that would have been largely accounted for in the trip generation estimates under the original ordinance. The same allowance of occasional non-profit events at Boutique Wineries could be associated with a slight increase in GHG emissions from additional vehicle trips. However the clarification proposed in the revised ordinance is simply indicating that a winery site could conduct special events identical to how other non-winery properties may currently hold special events. In conclusion, the effect of the amendments on GHG emissions would be minimal. Emissions would remain substantially consistent with the assumptions used in the previously certified Final EIR for considering potential GHG emissions and would remain applicable to anticipated emissions with the proposed amendments. Therefore, no new environmental impacts associated with GHG would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required.

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of 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; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location 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; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

YES
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NO
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No. Potential impacts resulting from exposure to hazards or hazardous materials were found to be not significant as part of the EIR process for the previous amendment to the Tiered Winery Ordinance. There have been no changes in the potential impacts related to hazards since the previous EIR was adopted and there have been no changes in the circumstances under which

the project was undertaken related to hazards. Contamination and hazardous materials were an effect found not significant as part of the EIR process, while wildland fires were an effect found not to be significant in the Environmental Initial Study for the EIR.

The previously certified Final EIR addressed the transport, storage, use, and disposal of hazardous materials within the contamination and hazardous materials section. Wine is not classified as a hazardous material. Fertilizers and pesticides, including insecticides, herbicides, rodenticides, and fungicides, were the only hazardous materials noted to be associated with the cultivation of wine grapes in San Diego County. All use, storage, and disposal of pesticides is subject to specific applicable regulations, including requirements for application methods and rates and safe handling procedures, pursuant to legal requirements and manufacturer's specifications. The use, storage, and disposal of hazardous materials is subject to the County of San Diego Agriculture, Weights and Measures Pesticide Regulation program and/or Hazardous Materials Business Plan requirements if applicable, pursuant to the regulatory threshold quantities previously described. These requirements and regulatory programs ensure that impacts related to pesticide use or storage within the project area will remain less than significant. Therefore, no new environmental impacts associated with hazardous materials would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding contamination and hazardous materials are required to be addressed in the Addendum to the previously certified Final EIR.

As was stated in the previously certified Final EIR, future wineries may be located in the A70 and A72 Zones in many areas throughout the unincorporated areas of the County of San Diego that are in a variety of settings listed as follows: (1) for projects surrounded by urban or irrigated lands, the Ordinance Amendment would not expose people or structures to a significant risk of loss, injury, or death involving hazardous wildland fires because urban areas and agricultural fields with irrigation contain less vegetation that can act as fuel during a wildfire or less dense vegetation compared to other settings; (2) those existing and future wineries served by independent fire protection districts and also located adjacent to wildlands would be subject to the existing regulations relating to emergency access, water supply, and defensible space specified in the Consolidated Fire Code for the 17 Fire Protection Districts; (3) those existing and future wineries served by a County of San Diego service area fire protection district and also located adjacent to wildlands must comply with the regulations relating to emergency access, water supply, and defensible space specified in the County of San Diego Code of Regulatory Ordinances, Title 3, Division 5, Chapter 3 and Appendix II-A of the Uniform Fire Code; and (4) those future wineries which may be located within State Responsibility Areas and served by the California Department of Forestry and Fire Protection (CalFire) must comply with the regulations relating to emergency access, water supply, and defensible space specified in Public Resources Code Sections 4290 and 4291.

Implementation of fire safety standards would occur during the building permit process. Therefore, through compliance with the above-listed regulations, codes and ordinances, it was concluded that Tiered Winery Ordinance would not expose people or structures to a significant risk of loss, injury or death involving hazardous wildland fires.

The currently proposed amendment would be subject to compliance with the same regulations discussed in the previously certified Final EIR. As a result, no new impacts would result from

the proposed amendments. Therefore, no new environmental impacts associated with wildland fire hazards would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding wildland fire hazards are required to be addressed in the Addendum to the previously certified Final EIR.

IX. HYDROLOGY AND WATER QUALITY -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

YES
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NO
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No. The EIR found impacts to surface water quality to be significant and unmitigated. Impacts to groundwater quality, erosion and siltation, drainage, and flooding were found to be less than significant. Direct surface water impacts, both on-site and off-site, were found to be cumulatively considerable while cumulative impacts from erosion or siltation were found to be less than significant, as were impacts to groundwater.

As discussed in the previously certified Final EIR, winery projects that require a discretionary permit, such as a grading permit, would trigger environmental review. For these projects, typical mitigation measures could include requirements for project applicants to: demonstrate waste discharge requirements have been met in accordance with RWQCB NPDES permit conditions; implement project design measures such as construction storm water BMPs for erosion and sediment control, road improvement and paving, runoff catchment and filtration; and limit use of toxic compounds (fertilizers and pesticides) to minimize impacts.

The previously certified Final EIR also found that there would be future by-right projects for which related discretionary permits are required but for which mitigation would not be feasible, or for which no related discretionary permit is required at all (e.g., where grading is less than 200 cubic yards, but which would impact native or fallow land). For example, it may not be feasible to require a winery project needing a Grading Permit to fund public or private roadway improvements and paving due to cost based on existing road conditions, topography, and other site conditions such as adjacent slopes, stream crossings, and the length of required

improvements. For such by-right projects, CEQA review would not be required and appropriate mitigation would not be possible.

Because some hydrology and water quality impacts were considered significant and unmitigated, a Statement of Overriding Considerations was adopted. The currently proposed amendment would not increase the potential for additional or more severe impacts related to hydrology and water quality because the amendments clarify and provide additional detail regarding the existing regulations which would result in little to no physical changes to the environment. For example, the amendments would not affect the anticipated grading building footprints that would be associated with wineries. The importation of grapes, juice, and wine from outside and within San Diego County, as well as other minor changes to the regulation of wineries, such as the requirement for record keeping regarding the origin of grapes, juice, and wine, the limitation on commercial activities at wineries to those that are wine-related and expressly allowed by the amended ordinance, regulations regarding food preparation and service, including clarification regarding the use of a mobile food facility (food truck), hours of operation, parking, and maximum vehicle capacity would not result in a measurable increase or decrease in hydrology and water quality impacts because the changes are operational in nature and would not equate to new or more severe environmental impacts.

The previously certified Final EIR analyzed potential water supply impacts associated with proposed expanded or new wineries on lands not being irrigated or where groundwater supplies are limited. Although the analyses conducted within the previously certified Final EIR recognized that grape growing and agriculture use are by-right uses, due to the unknown quantity of expanded or new wineries and tasting rooms, it determined that impacts could not be adequately mitigated as a result of the by-right nature of the project. Consequently, the previously certified EIR concluded that water supply impacts were significant and unmitigated. The proposed amendments do not propose to increase production amounts and many of the proposed changes simply clarify existing provisions of the ordinance. Therefore, no new environmental impacts associated with hydrology or water quality would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding hydrology and water quality are required to be addressed in the Addendum to the previously certified Final EIR.

X. LAND USE AND PLANNING -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

YES
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NO
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No. Potential land use and planning impacts were found to be not significant as part of the EIR process for the previous amendment to the Tiered Winery Ordinance. This conclusion was based on the fact that no uses would be developed that would divide an established community, the ordinance would be consistent with adopted plans and policies, and maintenance or expansion of wine grape acreage would be consistent with the existing agricultural designation and

zoning. Because land use impacts from ongoing or expanded winery operations at Boutique Wineries, including wine tasting and sales, were found to be not significant, and because the proposed changes to the Ordinance merely clarify the existing language, the currently proposed amendment would not result in significant land use impacts. Therefore, no new environmental impacts associated with land use would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding land use and planning are required to be addressed in the Addendum to the previously certified Final EIR.

XI. MINERAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

YES

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NO

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No. Potential impacts to mineral resources were found to be not significant during Initial Study for the EIR. Wine production at Wholesale Limited and Boutique Wineries would continue to be limited to 12,000 gallons per year, and wine production at Small Wineries would continue to be limited to 120,000 gallons per year under the currently proposed amendment, unchanged from the regulation under the existing ordinance. The previously certified Final EIR concluded that approximately 50 acres would be required in order to produce this amount of wine and estimated that based on the additional requirement that a percentage of grapes are grown on-site, wineries operating at this maximum production would require just over 12.5 acres of vineyards. Based on the scale of future wineries, the previously certified Final EIR concluded that the amendment would not result in the future inaccessibility for recovery of the on-site mineral resources. Because the currently proposed amendment would not result in a measurable change in the development footprint of winery facilities or the acreage of vineyards that would be expected to be planted, there would not be an associated loss in the availability of mineral resources. Therefore, no new environmental impacts associated with mineral resources would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding mineral resources are required to be addressed in the Addendum to the previously certified Final EIR.

XII. NOISE -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects 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,

or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

YES

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NO

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No. The EIR concluded that because future development of an unknown number of new or expanded winery operations (Wholesale Limited or Boutique) at unknown locations could generate additional traffic on area roadways that would exceed the noise levels by more than 3 decibels, adoption of the proposed ordinance amendment could result in significant direct and cumulative noise impacts.

As discussed in the previously certified Final EIR, future projects that would be required to obtain a discretionary permit could feasibly mitigate for potential noise impacts because the environmental review process would require projects to demonstrate that there would be no increase in noise on area roadways. At the same time, there may also be future by-right projects for which related discretionary permits are required, but for which mitigation would not be feasible, or for which no related discretionary permit is required at all. For such by-right projects, CEQA review would not be required, and appropriate mitigation would not be possible. Therefore, noise impacts were determined to be significant and unmitigated because there would be no enforcement mechanism for existing noise regulations. A Statement of Overriding Considerations was adopted.

The current amendment clarifies the regulations regarding amplified sound. While the existing ordinance does not allow for amplified sound, the proposed amendment clarifies that amplified sound is only prohibited outdoors. Interior sound levels are not regulated for sound that is generated within the premises. This ordinance amendment clarifies the intent of the original ordinance and reflects the County's existing regulations regarding noise enforcement. As a result, this amendment would not create a new impact not already considered in the previously certified Final EIR.

The current amendment proposes a minor extension to the hours of operation for tasting areas at Boutique Wineries. The amendment would replace legal sunset as time of closure with 6:00 p.m. from November 1 through March 1. This change would increase operations by 14 minutes on March 1 and up to one hour and 13 minutes on the shortest day of the year. Since the extended hours would only be applicable for four months of the year, it would not result in a new significant impact. This change is not anticipated to create additional noise impacts since compliance with the County's noise regulations is required. Therefore, this amendment would not result in a new significant impact.

The previously certified Final EIR concluded that the expanded winery operations (Wholesale Limited or Boutique) at unknown locations could generate additional traffic on area roadways that would exceed the noise levels by more than 3 decibels and that the adoption of the proposed ordinance could result in significant direct and cumulative noise impacts. The proposed amendment would not change these findings because there would be no measureable increase in traffic that would translate into increased noise levels on area roadways. Any increased traffic from occasional non-profit events would be temporary and intermittent. Therefore, no new environmental impacts associated with noise would occur and no revisions to the previously certified Final EIR due to the involvement of significant new

environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding noise are required to be addressed in the Addendum to the previously certified Final EIR.

XIII. POPULATION AND HOUSING -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

YES
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NO
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No. Potential impacts to population and housing were found to be not significant during Initial Study for the EIR. The previously certified Final EIR notes that planning for residential needs is done as part of the comprehensive planning process for the General Plan for the County of San Diego. The General Plan, and especially the Housing Element, together with individual community plans, provides goals, policies, and programs to accommodate housing needs throughout the County of San Diego. The project area involves a large portion of the unincorporated area of the County of San Diego which is zoned for agriculture. A range of uses on these lands include agricultural activities as well as residential, parks, and public facilities.

The previously certified Final EIR found that a significant impact to population and housing could occur if the ordinance would induce substantial population growth. The previously certified Final EIR concluded that substantial population growth would not be induced because physical or regulatory changes were not proposed that would remove a restriction to or encourage population growth in an area including, but limited to, the following: new or extended infrastructure or public facilities; new commercial or industrial facilities; large-scale residential development; accelerated conversion of homes to commercial or multi-family use; regulatory changes including General Plan amendments encouraging population growth, specific plan amendments, zone reclassifications, sewer or water annexations; or Local Agency Formation Commission annexation actions. The previously certified Final EIR also found that the ordinance would not displace a substantial number of housing or people that would require construction of replacement housing. While the currently proposed amendment continues to encourage agriculture in the form of wineries, it would not result in a measurable difference in the number or size of the wineries in the County of San Diego or the number of employees that would be employed. As a result, the proposed amendments would not be associated with population growth or displacement of housing. Therefore, no new environmental impacts associated with population and housing would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding population and housing are required to be addressed in the Addendum to the previously certified Final EIR.

XIV. PUBLIC SERVICES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities

or the 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 following public services: fire protection, police protection, schools, parks, or other public facilities?

YES

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NO

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No. Potential impacts to public services were found to be not significant during Initial Study for the EIR. Public services include basic support systems necessary for a functioning community. Due to the large project area that spans the County of San Diego from the northern border with Orange County to the southern border with Mexico, there are multiple service providers for public services such as fire protection, schools, and parks and other public facilities such as libraries.

The previously certified Final EIR found that a significant impact would occur if the proposed amendment would result in substantial adverse physical impacts associated with the provision of new or physically altered facilities. The project involves an amendment to the County of San Diego's Zoning Ordinance as it relates to wineries. The previously certified Final EIR concluded that the growing of grapes in vineyards and the production and selling of wine that could result from new or expanded wineries would not result in a need for new or expanded facilities associated with public services such as fire protection, schools, and parks. No impacts were identified.

The currently proposed amendment to the Tiered Winery Ordinance would not result in significant impacts to public services because the textual revisions would clarify and provide additional detail regarding the existing regulations which would result in little to no physical changes to the environment. There would not be a measurable change in the number or size of the wineries that would be anticipated to result from the currently proposed amendment. Therefore, no new environmental impacts associated with public services would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding public services are required to be addressed in the Addendum to the previously certified Final EIR.

XV. RECREATION -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in 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; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

YES

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NO

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No. Potential impacts to recreation were found to be not significant during Initial Study for the EIR. The previously certified Final EIR stated that a significant impact would occur if the proposed amendment would increase the use of parks or other recreational facilities or requires the construction or expansion of recreational facilities. But because the Tiered Winery Ordinance

did not propose any residential use, including but not limited to a residential subdivision, mobile home park, or construction for a single-family residence that may increase the use of existing neighborhood and regional parks or other recreational facilities in the vicinity, the potential impacts were deemed to be not significant.

The currently proposed amendment to the Tiered Winery Ordinance consists of textual revisions to clarify and provide additional detail regarding the existing regulations, which would result in little to no physical changes to the environment. The amendments would not be associated with the construction of new or expanded recreational facilities or require the construction or expansion of recreational facilities. As a result, there could not be an adverse physical effect on the environment associated with the provision of recreational facilities. Therefore, no new environmental impacts associated with recreation would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding recreation are required to be addressed in the Addendum to the previously certified Final EIR.

XVI. TRANSPORTATION/TRAFFIC -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

YES
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NO
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No. Both project-level and cumulative-level transportation/traffic impacts were determined to be significant and unmitigated in the previously certified Final EIR prepared for the previous amendment of the Tiered Winery Ordinance. The previously certified Final EIR concluded that the proposed ordinance amendment would result in the addition of new wineries, expansion of existing wineries, and additional tasting rooms at existing wineries. Significant near-term direct impacts were identified to community Circulation (Mobility) Element Roads with the addition of even one Boutique Winery in the communities of Fallbrook, Bonsall, Julian, and Ramona, and with the addition of more than one winery in the Jamul-Dulzura community. The conditions on State Route 67 (SR-67) were of particular concern since the Ramona area would be unable to accommodate additional wineries because of the existing low levels of service on this roadway. The Julian Community Plan Amendment was also identified as facing limitations on additional wineries because of the low level of service on SR-67 in the Ramona area.

The previously certified Final EIR concluded that it was infeasible and speculative to know which specific future wineries may result in impacts. Some future winery projects may be required to obtain a discretionary permit such as a Grading Permit, which would trigger CEQA

review of the specific future project. However, mitigation may not always be feasible for these projects, while other future projects may not even require a discretionary permit. Over the longer term, significant direct impacts would be reduced as improvements consistent with the Circulation Element are implemented, but would remain significant and unmitigated. Private roads where future wineries are located would also experience an increase in traffic that would be significant and unmitigated.

The previously certified Final EIR also concluded that the amendment would create significant cumulative traffic impacts and that the payment of Transportation Impact Fees (TIFs) would mitigate some, but not all, of those cumulative impacts. Therefore, those which cannot be mitigated through the TIF program would remain significant and unmitigated.

Requiring individual wineries to contribute TIF fees at the time of building permits or change in occupancy status toward the improvement of Circulation Element roadways, including SR-67, would also fully mitigate cumulative impacts. However, cumulative impacts to roads where the TIF program does not apply would remain significant and unmitigated. A Statement of Overriding Considerations was adopted to address the significant and unmitigated traffic impacts.

Because the currently proposed amendment would clarify the existing regulations and would not substantially change the existing regulations, future traffic volumes would be anticipated to experience little or no change and traffic impacts would remain significant and unmitigated at both a project and cumulative level. The ordinance amendments do not increase the capacity of wineries and would not result in a measurable increase in traffic. The amendments would now allow for increased opportunities for Boutique Wineries to source wine in addition to grapes within San Diego County. This change simply allows a change in the type of grape product being transported and may actually result in a decrease in traffic since bulk grapes may require more trips to transport when compared to transporting a comparable amount of already produced wine. Increasing grape and wine sourcing opportunities from outside the County for Small Wineries would not result in a significant new environmental effect since Small Wineries are currently required to obtain a discretionary Administrative Permit and any potential traffic impacts would be addressed as part of that discretionary action. The amendments propose a minor change to the hours of operation for Boutiques Wineries. Currently, a tasting/retail sales room may operate from 10 a.m. until legal sunset seven days a week. The revisions would allow a tasting/retail sales area to operate until 6:00 p.m. from November 1 through March 1. This would result in an additional 1 hour and 13 minutes of operations on the shortest day of the year. This change is not anticipated to create additional traffic impacts since the extended time is only applicable for four months of the year. It is not anticipated that new visitors would arrive to the winery sites during the extended time. It is anticipated that the visitors to the site would remain at the winery for a longer time. The previously certified EIR also considered that catered food service would be occurring in conjunction with Boutique Wineries. The amendments would now allow for one DEH licensed mobile food facility to be located on a site during normal hours of operation. The mobile food facility could not impact required parking for the site. The allowance for the mobile food facility would not result in additional traffic impacts since the mobile food facility would simply be replacing vehicle trips currently permitted in the ordinance by the catering use. In addition, mobile food facilities operations typically depend on higher patron volumes that are usually associated with festivals and large events to maintain profitability. Boutique winery patron sizes are smaller and distributed among their daily operating hours. Subsequently, the use of mobile food facilities at

boutique winery sites should be limited in occurrence and therefore will not cause additional significant traffic impacts. Any increased traffic from occasional non-profit events would be temporary and intermittent. Therefore, no new environmental impacts associated with transportation/traffic would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding transportation/traffic are required to be addressed in the Addendum to the previously certified Final EIR.

XVII. UTILITIES AND SERVICE SYSTEMS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; 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; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

YES

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NO

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No. Potential impacts to utilities and service systems were found to be not significant during Initial Study for the EIR. Utilities and services systems were defined as wastewater treatment, storm water drainage, landfill capacity and solid waste, vectors, and wildland fires. The previously certified Final EIR determined that there are a number of regulations already in place that would prevent the ordinance from resulting in significant impacts to utilities and service systems. Most new winery buildings would require grading permits and building permits, which would not be issued if adequate utilities and services were not available. The proposed amendment to the ordinance provides clarification of the existing regulations and would not change the anticipated demands for utilities and service systems. With the proposed amendments, future wineries would still be required to demonstrate adequate utilities and services. The proposed amendment does not change the limitations on the amount of wine that can be produced at a Wholesale, Boutique, or Small Winery, nor does it change the limitation on the size of the associated winery facilities. The allowance for the use of grapes, juice, and wine produced elsewhere in San Diego County clarifies the regulations around wine sales, a use that was anticipated in the original Tiered Winery Ordinance. Therefore, no new environmental impacts associated with utilities/service systems would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding utilities and service systems are required to be addressed in the Addendum to the previously certified Final EIR.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE: Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?

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

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)?

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

YES

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NO

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No. Potential Mandatory Findings of Significance were identified by the Environmental Initial Study prepared for the previous amendment to the Tiered Winery Ordinance. Each of the topics raised was evaluated in the EIR. The proposed amendment would not result in any new potential environmental impacts since the previously certified Final EIR was certified because the textual revisions would clarify and provide additional detail regarding the existing regulations, which would result in little to no physical changes to the environment. There are no changes in the project, changes in circumstances under which the project is undertaken, or "new information of substantial importance" that would result in any of mandatory finding of significance listed above.

The previously certified Final EIR identified significant project-level and cumulative-level impacts to biological and cultural resources. Cumulatively considerable significant and unmitigated impacts were also identified for air quality, hydrology and water quality, noise, transportation/traffic, and water and groundwater supply. No new environmental impacts associated with mandatory findings of significance would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects are required. No changes regarding mandatory findings of significance are required to be addressed in the Addendum to the previously certified Final EIR.

Attachments

- County of San Diego Tiered Winery Zoning Ordinance Amendment Certified Final Environmental Impact Report (POD 08-012; LOG No. 08-00-004; SCH No. 2008101047)
- Addendum to the previously certified EIR

**XVIII. REFERENCES USED IN THE COMPLETION OF THE ENVIRONMENTAL REVIEW
UPDATE CHECKLIST FORM**

California Environmental Quality Act, CEQA Guidelines

California Environmental Quality Act. 2001. California Code of Regulations, Title 14, Chapter 3, Section 15382.

California Public Resources Code, CPRC, Sections 40000-41956

County of San Diego Code of Regulatory Ordinances

County of San Diego Zoning Ordinance

County of San Diego Tiered Winery Zoning Ordinance Amendment Final Environmental Impact Report (POD 08-012; LOG No. 08-00-004; SCH No. 2008101047)