INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

NELLA TERRA CELLARS PROJECT

PREPARED FOR:

County of Alameda
Community Development Agency
224 W. Winton Ave., Room 111
Hayward, CA 94544

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INTRODUCTION TO THIS DOCUMENT

This document serves as the Initial Study and Mitigated Negative Declaration (IS/MND) for the proposed Project, prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Sections 1500 et seq.).

Per CEQA Guidelines (Section 15070), a Mitigated Negative Declaration can be prepared to meet the requirements of CEQA review when the Initial Study identifies potentially significant environmental effects, but revisions in the Project and/or incorporation of mitigation measures would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.

This document is organized in three sections as follows:

- Introduction and Project Information. This section introduces the document and discusses the project description including location, setting, and specifics of the lead agency and contacts.
- Mitigated Negative Declaration. This section lists the impacts and mitigation measures identified in the Initial Study and proposes findings that would allow adoption of this document as the CEQA review document for the proposed project.
- Initial Study Checklist. This section discusses the CEQA environmental topics and checklist questions and identifies the potential for impacts and proposed mitigation measures to avoid these impacts.

PUBLIC REVIEW

The Initial Study and Proposed Mitigated Negative Declaration will be circulated for a 30-day public review period. Written comments may be submitted to the following address:

Damian Curry
Planner
Alameda County Planning Department
224 W. Winton Avenue, Room 111
Hayward, CA 94544
Phone: (510) 670-5400

Adoption of the Mitigated Negative Declaration does not constitute approval of the project itself, which is a separate action to be taken by the approval body. Approval of the project can take place only after the Mitigated Negative Declaration has been adopted.

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Environmental Checklist Form

Prepared Pursuant to the California Environmental Quality Act (CEQA)

A. PROJECT DESCRIPTION

1. **Project title**: Nella Terra Cellars Project

2. **Project location**: 5005 Sheridan Road
Sunol, California 94586
APN: 096-0001-002-20

3. **Project sponsor's name and address**:
Gerry Beemiller
5005 Sheridan Road
Sunol, California 94586
510/651-0393

4. **General plan designation**:
Large Parcel Agriculture (East County Area Plan)

5. **Zoning**:
A (Agriculture)

6. **Description of project**:

The applicant currently operates the Nella Terra Cellars event facility which is available for various winery-related uses including weddings, private dinners, and corporate and wine promotional events including wine tasting on a reservation-only basis. The current operation is authorized under a Conditional Use Permit (CUP) issued by the East County Zoning Board of Adjustment of Alameda County (EZBA) under CUP PLN2013-00206.

The Nella Terra Cellars event center itself occupies an area of approximately 5 ½ acres located at the southeast corner of the 110-acre property, approximately one-half mile in from and 200' higher in elevation than the entrance on Sheridan Road. The active part of the event center is a flat surface of about an acre at the foot of surrounding slopes that form a bowl-shaped area. The slopes are improved with rows of wine-producing grapes comprising about half of the entire event center site. The active facilities on the flat area include a large canvas tent (59' x 79') that rises at the peak to about 21 feet and temporary portable toilet facilities and a warming kitchen. The tent opens out onto to a large terrace that overlooks a landscaped pond and gravel walking paths that lead to bocce ball courts.

The applicant intends to replace the approximately 4,800 square foot tent with an approximately 7,000 square foot permanent rustic-appearing and open-beam barn-like structure that would rise to a height of approximately 33 feet from the building pad. The structure would provide a large interior clear space for wedding parties (e.g., sit down tables for dining, a dance floor, serving areas, etc.) and would include a warming kitchen and restrooms at one end of the building. While the permanent structure would have a larger footprint than the existing tent, it would also replace the temporary kitchen and bathroom trailers.

The proposed change from temporary to permanent structures at the site is the only change being proposed; there would be no increase in the capacity, frequency or intensity of use which would remain within the restrictions set forth in the CUP.

7. **Surrounding land uses and setting**:

Physical Features: With a frontage of about 600 feet on Sheridan Road, the irregularly shaped subject property slopes gradually upward from the roadway toward the base of two hills, which rise another two hundred feet from the surrounding area. The applicant's residence is located atop another hill, about 1,500 feet farther south where it overlooks the bowl-shaped Event Center. The access driveway approaches through a canyon, past a 2600 square foot pole barn, splitting afterwards into an 18 foot wide residential driveway and the western access drive intended for guests of the winery and event center. Guest parking for the event center and a vehicle turnaround are located southwest of the residence. An aqueduct for the Hetch Hetchy system traverses the property about 1400 feet south of Sheridan, on an axis roughly parallel to Sheridan Road.

Adjacent Area: The properties in the immediate vicinity are similarly classified into the A District, with cattle grazing, rural home sites and equestrian uses defining the area's character.

8. **Other public agencies whose approval may be required**:

None

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture and Forest Resources	☒ Air Quality
☐ Biological Resources	☐ Climate Change and Greenhouse Gas Emissions	☒ Cultural Resources
☐ Geology /Soils	☐ Hazards & Hazardous Materials	☐ Hydrology and Water Quality
☐ Land Use and Planning	☐ Mineral Resources	☐ Noise
☐ Population and Housing	☐ Public Services	☐ Recreation
☐ Transportation and Traffic	☐ Utilities / Service Systems	☐ Mandatory Findings of Significance

C. LEAD AGENCY DETERMINATION:

On the basis of this initial evaluation:

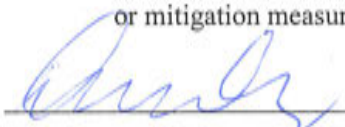
☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

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

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

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



Signature

October 6, 2015

Date

DAMIEN CURRY

D. EVALUATION OF ENVIRONMENTAL EFFECTS:

The Environmental Checklist and discussion that follows is based on sample questions provided in the CEQA Guidelines (Appendix G) which focus on various individual concerns within 17 different broad environmental categories, such as air and water quality, biological resources, climate change, cultural resources, land use, public services, noise and traffic (and arranged in alphabetical order). The Guidelines also provide specific direction and guidance for preparing responses to the Environmental Checklist. The sample questions are meant to be used to meet the requirements for an initial study when the criteria set forth in CEQA Guidelines have been met. Substantial evidence of potential environmental impacts that are not listed in the checklist must also be considered. The sample questions are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance.

Each Checklist question requires a "yes" or "no" reply to indicate if the analysis or assessment (or an available reference document) shows that the project will or will not have a potentially significant environmental impact on the subject aspect of the environment. However, there are three possible types of "no" responses, including: "NO: Less Than Significant with Mitigation", which means that potentially significant impacts would clearly be avoided or reduced to an acceptable level by changes to the project or mitigation measures that the project proponent and the Lead Agency have agreed to; "NO: Less Than Significant Impact", which means that while there may have been concerns about possible impacts that require analysis, the "threshold of significance" is not exceeded and the impact is not significant; and "NO: No Impact", which means that for clearly evident reasons documented by a map, reference document, the nature of the project or the setting, the specific kind of environmental impact addressed by the question is not possible or would be nearly insignificant. The following describes in more detail the four different possible answers to the questions in the Checklist, and the types of discussions required for each response:

a) YES: Potentially Significant Impact. Checked if a discussion of the existing setting (including relevant regulations or policies pertaining to the subject) and project characteristics with regard to the environmental topic demonstrates, based on substantial evidence, supporting information, previously prepared and adopted environmental documents, and specific criteria or thresholds used to assess significance, that the project will have a potentially significant impact of the type addressed by the question.

   CEQA requires that if the analysis prompted by the Checklist results in a determination that the project will have one or more potentially significant environmental impacts (and the project proponent does not agree to changes or mitigation measures that would assure the subject impact can be avoided or reduced to less than significant levels, an environmental impact report (EIR) is required. In such instances, the discussion may be abbreviated greatly if the Lead Agency chooses to defer the analysis to preparation of the EIR. However, if the analysis indicates that all such impacts can be avoided or mitigated to less-than-significant levels, a Mitigated Negative Declaration can be prepared and this column will not be used for any question.

b) NO: Less Than Significant With Mitigation. Checked if the discussion of existing conditions and specific project characteristics, also adequately supported with citations of relevant research or documents, determine that the project clearly will or is likely to have particular physical impacts that will exceed the given threshold or criteria by which significance is determined, but that with the incorporation of clearly defined mitigation measures into the project, that the project applicant or proponent has agreed to, such impacts will be avoided or reduced to less-than-significant levels.

c) NO: Less Than Significant Impact. Checked if a more detailed discussion of existing conditions and specific project features, also citing relevant information, reports or studies, demonstrates that, while some effects may be discernible with regard to the individual environmental topic of the question, the

effect would not exceed a threshold of significance which has been established by the Lead or a Responsible Agency. The discussion may note that due to the evidence that a given impact would not occur or would be less than significant, no mitigation measures are required.

d) NO: No Impact. Checked if brief statements (one or two sentences) or cited reference materials (maps, reports or studies) clearly show that the type of impact could not be reasonably expected to occur due to the specific characteristics of the project or its location (e.g. the project falls outside the nearest fault rupture zone, or is several hundred feet from a 100-year flood zone, and relevant citations are provided). The referenced sources or information may also show that the impact simply does not apply to projects like the one involved. A response to the question may also be "No Impact" with a brief explanation that the basis of adequately supported project-specific factors or general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a basic screening of the specific project).

The discussions of the replies to the Checklist questions must take account of the whole action involved in the project, including off-site as well as on-site effects, both cumulative and project-level impacts, indirect and direct effects, and construction as well as operational impacts. Except when a "No Impact" reply is indicated, the discussion of each issue must identify:

a) the significance criteria or threshold, if any, used to evaluate each question; and

b) the mitigation measure identified, if any, to reduce the impact to less than significance, with sufficient description to briefly explain how they reduce the effect to a less than significant level.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D) of the Guidelines). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Figure 1: Project Location

Figure 2: Existing Use

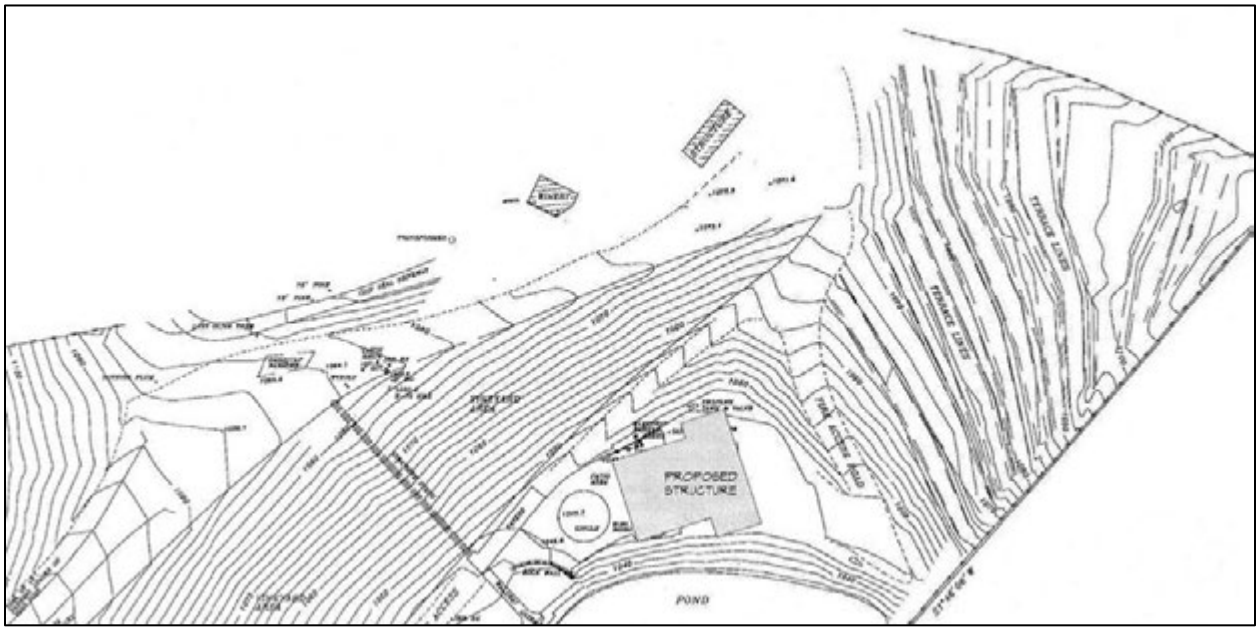


Figure 3. Site Plan Showing Location of Proposed Structure

1. AESTHETICS Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant with Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Have a substantial adverse effect on a scenic vista?			×	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			×	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			×	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			×	

SCENIC VISTAS

Would the Project:

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

The Project site is located in an area characterized by rolling hills and sparsely separated rural residential or agricultural structures. The limited scope of physical changes to the Project site would not have a substantial adverse effect on a scenic vista.

The *East County Area Plan* (*ECAP*) requires the protection of sensitive ridgelines, the maintenance of community separators largely in open space, and the protection and maximization of views of prominent visual features. The Project site is not located on a protected ridgeline; the nearest protected ridgelines to the Project site are the Pleasanton, Main and Sunol Ridges west of Pleasanton located north-northwest of the Project site. The *ECAP* also identifies the Vargas Plateau and Sheridan Road areas as protected community separators separating the communities of Fremont and Sunol. As discussed, the *ECAP* requires these areas to be preserved "largely in open space" (Policy 105). The Project site is located off Sheridan Road and is, therefore, within the vicinity of an *ECAP*-identified protected community separator; however, development of the Project site would not conflict with *ECAP* Policy 105.

Replacing the existing canvas party tent and associated warming kitchen and toilet facilities with a more permanent structure would not affect views of these ridgelines because the structure would be constructed at the base of a bowl-shaped portion of the Applicant's 110-acre ranch and not visible from Sheridan Road or other public vantage points. The Project's impact with respect to scenic vistas would be ***less than significant***.

SCENIC RESOURCES

Would the Project:

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

There are no historic buildings at the site where the structure would be constructed and the site is not located along or within a state scenic highway. No trees would be removed or affected by the Project and the Project would not affect any rock outcroppings. Consistent with *ECAP* Policy 106, the proposed structure would be placed at the base of a bowl-shaped portion of the Applicant's 110-acre ranch, not on a hilltop, and not visible from public places, vistas or roads.

Due to the fact that the Project would not substantially damage scenic resources on the site (trees and rock outcroppings), there are no historic structures on the site, and it is not located within a state scenic highway, and would be substantially hidden from other public roads, impacts to scenic resources would be ***less than significant***.

VISUAL CHARACTER AND QUALITY

Would the Project:

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

The Project would replace a temporary white canvas party tent with a permanent wooden structure. The physical changes would not degrade the existing visual character or quality of the site and its surroundings.

The proposed changes to the site will occur within the approximately 10,000 square foot area currently used by the party tent and supporting facilities. No other part of the Applicant's 110-acre ranch would be changed by the Project and would remain undeveloped open space. As discussed above, the location of the proposed barn is substantially shielded from view from off-site viewpoints, particularly along Sheridan Road and I-680 because of the rolling topography of the site and the location of the Event Center which is surrounded by higher elevation landforms. Considering the limited physical changes proposed and the limited visibility of the site from off-site locations, the Project would not result in a degradation of the existing visual character or quality of the site and its surroundings and any impacts in this regard would be ***less than significant***.

LIGHT AND GLARE

Would the Project:

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

As with the current operation of the Nella Terra Cellars event center, most weddings or other events at the site would occur beginning in the late afternoon and run into the late evening, ending by 11:00 p.m. in accordance with the provisions of the CUP. Evening events would continue to generate light from interior and exterior sources to the same approximate extent as occurs under the current operation. No substantial changes are proposed to the current extent of exterior lighting and therefore the replacement of the canvas tent and portable facilities with a permanent structure is not expected to result in a substantial change in the amount or extent of nighttime light. Because the structure would be located at the base of a bowl-shaped portion of the Applicant's 110-acre ranch, not visible from off-site locations, any change in the amount of light emitted after the structure is in place would be nearly imperceptible when viewed from Sheridan Road. The building itself would be constructed of wood, a completely non-glare emitting material. Given the scale and rolling hill character of the site, the effects related to light and glare would be minimal and potential impacts would be ***less than significant***.

2. AGRICULTURE AND FOREST RESOURCES In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:	YES: Potentially Significant Impact	NO: Less Than Significant with Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				x
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				x
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				x
d) Result in the loss of forest land or conversion of forest land to non-forest use?				x
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?			x	

The Project site is currently used as a winery-related Event Center pursuant to Conditional Use Permit (CUP) PLN2013-00206. The site has a General Plan land use designation of *Large Parcel Agriculture*, and is zoned "*A"–Agriculture*.

CONVERT FARMLAND OR WILLIAMSON ACT CONFLICT

Would the Project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?

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

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

a) The California Department of Conservation Farmland Mapping and Monitoring Program maintains a soil candidate listing for Prime Farmland and Farmland of Statewide Importance for each County in California. The Soils on the Project site are not listed as Prime, Unique or of Statewide Importance and the Project would not convert such soils to non-agricultural use; there is ***no impact*** in this regard.

b) The current winery-related activities at the Nella Terra Cellars Event Center site are permitted under CUP PLN2013-00206 and are consistent with applicable provisions of the County's General Plan and Agricultural zoning. The Project would not affect the remainder of 110-acre site of which it is a part which remains available and continues to be used for horse and cattle grazing and other agricultural activities. The applicant intends to expand the vineyard at the Event Center by installing new vineyard rootstock on the south-facing slope which has already been terraced for a horizontal planting scheme. The additional plants will nearly double the amount of the Event Center site devoted to vineyard. The proposed continuation of winery-related activities would remain consistent with existing zoning as a permitted agricultural use. The Project site is not under a Williamson Act contract. Therefore, there would be ***no impact*** with regard to conflicts with existing zoning.

e) The replacement of the existing temporary facilities at the Project site with the proposed structure would convey a deeper and longer-term commitment to the use of the property for winery-related activities and events which could induce or encourage similar changes on other nearby properties. Considering that the activities associated with this Project are consistent with and permitted under the agricultural designation of the area, any effects related to such changes would not involve conversion of farmland to non-agricultural uses, by definition, and thus any such effects would be ***less than significant***.

CONFLICT WITH FOREST LAND ZONING OR CONVERT FOREST LAND

Would the Project:

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

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

The Project site is not forest or timber land and is not zoned Timberland Production. No aspect of the Project would result in the loss of forest land or conversion of forest land to non-forest use. (***No impact)***

3. AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant with Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			x	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		x		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			x	
d) Expose sensitive receptors to substantial pollutant concentrations?			x	
e) Create objectionable odors affecting a substantial number of people?			x	

CONSISTENCY WITH AIR QUALITY PLAN / CAP

Would the Project:

a) Conflict with or obstruct implementation of the applicable Air Quality Plan?

The Project site is subject to the Bay Area Clean Air Plan, first adopted by the Bay Area Air Quality Management District (BAAQMD) (in association with the Metropolitan Transportation Commission and the Association of Bay Area Governments) in 1991 to meet state requirements and those of the Federal Clean Air Act. As required by state law, updates are developed approximately every three years. The plan is meant to demonstrate progress toward meeting the ozone standards, but also includes other elements related to particulate matter, toxic air contaminants, and greenhouse gases. The latest update to the plan, which was adopted in September 2010, is called the Bay Area 2010 Clean Air Plan.

A project would be judged to conflict with or obstruct implementation of the regional air quality plan if it would be inconsistent with regional growth assumptions or implementation of control strategies. The Project would have no effect on growth of population or vehicle travel and the Clean Air Plan does not recommend measures directly applicable to this type of use. The Project, therefore, would be generally consistent with the Clean Air Plan and have a ***less than significant*** impact in this regard.

VIOLATE AIR QUALITY STANDARDS

Would the Project:

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Ambient air quality standards have been established by state and federal environmental agencies for specific air pollutants most pervasive in urban environments. These pollutants are referred to as criteria air pollutants because the standards established for them were developed to meet specific health and welfare criteria set forth in the enabling legislation and include ozone (O_3) precursors (NOx and ROG), carbon monoxide (CO), and suspended particulate matter (PM_{10} and $PM_{2.5}$). The Bay Area is considered "attainment" for all of the national standards, with the exception of ozone. It is considered "nonattainment" for State standards for ozone and particulate matter.

Past, present and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant.[1]

BAAQMD's updated CEQA Guidelines including thresholds of significance were adopted on June 2, 2010. On March 5, 2012, the Alameda County Superior Court issued a judgment finding that BAAQMD had failed to comply with CEQA when it adopted its 2010 Thresholds. The court did not determine whether the Thresholds were valid on the merits, but found that the adoption of the Thresholds was a project under CEQA. The court issued a writ of mandate ordering BAAQMD to set aside the Thresholds and cease dissemination of them until BAAQMD had complied with CEQA. The case continues to make its way through the courts.

The 2010 Thresholds are more conservative than the previous 1999 version and have been used in this analysis for a conservative determination of impact significance. These thresholds are average daily emissions of 54 pounds per day or 10 tons per year of NOx, ROG or $PM_{2.5}$ and 82 pounds per day or 15 tons per year of PM_{10}.

Air quality impacts fall into two categories: short-term impacts that would occur during construction of the Project and long-term impacts due to Project operation.

Construction Emissions

BAAQMD presents screening criteria in their CEQA Guidelines that identify project sizes by type that could have the potential to result in emissions over threshold levels.[2] For example, Table 3-1 in the May 2-11 Guidelines includes a construction-period criteria pollutant screening level for a "quality restaurant" having 277,000 square feet (i.e., restaurants smaller than that are considered to have construction-related impacts at less than significant levels). While a 5,000 to 6,000 square foot winery-related structure as an event center for weddings and wine tastings is not specifically listed on this screening table, it can be reasonably concluded from a comparison to the entries on the table that the minimal construction activities required for the Project,[3] which are expected to require no more than four or five months, would be well below threshold levels.

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[1] BAAQMD, May 2011, *California Environmental Quality Act Air Quality Guidelines*, p. 2-1.

[2] BAAQMD, May 2011, *California Environmental Quality Act Air Quality Guidelines*, pp. 3-2 to 3-3.

[3] The Project applicant estimates that construction activities would involve minimal site preparation work since the site for the barn is already graded and flat. The work would include some trenching for utilities, pouring structural concrete footings for the barn and a concrete slab for the barn floor. After the concrete cures for a week or two, it

However, BAAQMD recommends implementation of construction mitigation measures to reduce construction-related emissions and fugitive dust for all projects, regardless of the significance level of construction-period impacts. These basic measures are included in Mitigation Measure Air-1, below and would further reduce construction-period criteria pollutant impacts.

Mitigation Measure

Air-1: **Basic Construction Management Practices.** The Project sponsor shall demonstrate proposed compliance with all applicable regulations and operating procedures prior to issuance of building or grading permits, including implementation of the following BAAQMD "Basic Construction Mitigation Measures":

i) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

i) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

ii) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

iii) All vehicle speeds on unpaved roads shall be limited to 15 mph.

iv) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

v) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

vi) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

vii) Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Operational Emissions

Similar to the analysis for construction-period impacts above, the Project was compared to BAAQMD screening criteria for operational pollutants. As it relates to operational pollutants, Table 3-1 includes a screening level for a 47,000 square foot quality restaurant or a 33,000 square foot high turnover restaurant.[4] These comparable land uses would be 5 – 8 times larger than the proposed Project and would be in operation 6 - 7 days per week whereas the Project is active primarily on weekends and only during ten months of the year.

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would be ready to erect the barn structure for which all structural wood elements, siding and other parts will have been cut to size in a factory and shipped on trucks, ready to be erected on site.

[4] BAAQMD, May 2011, *California Environmental Quality Act Air Quality Guidelines*, pp. 3-2 to 3-3.

While operation of a winery-related event center for weddings and wine tasting events is not specifically listed on the BAAQMD screening table, it can be reasonably concluded that operational emissions resulting from the Project would be well below threshold levels.

Additionally, BAAQMD presents as screening criteria for carbon monoxide impacts traffic-based criteria. As operation of the proposed Project would not impact traffic levels, the Project would be below carbon monoxide threshold levels.

Therefore, the Project impact related to operational pollutant emissions would be ***less than significant***.

SENSITIVE RECEPTORS

Would the Project:

d) Expose sensitive receptors to substantial pollutant concentrations?

For the purpose of assessing impacts of a proposed Project on exposure of sensitive receptors to risks and hazards, the threshold of significance is exceeded when the project-specific cancer risk exceeds 10 in one million, the non-cancer risk exceeds a Hazard Index of 1.0, or PM2.5 concentrations exceed 0.3 micrograms per cubic meter. Examples of sensitive receptors are places where people live, play or convalesce and include schools, hospitals, residential areas and recreation facilities.

The Project itself is not considered a sensitive receptor and operation of the Project would not be considered a source of hazardous emissions. However, construction activity that uses traditional diesel-powered equipment would involve the emission of diesel particulate matter, which is considered a toxic air contaminant and potential health risk. The generation of these emissions would be temporary and confined to the construction site for a period of approximately four months.

BAAQMD provides a document titled Screening Tables for Air Toxics Evaluation during Construction to estimate the potential for significant air quality health risk impacts associated with construction activity based on general project characteristics, such as type and size, utilizing worst-case and conservative assumptions. The table is not intended to be used for projects substantially different from the described residential, commercial and industrial projects.[5] However, a brief comparison of the BAAQMD Screening Table to Project characteristics is used to analyze the health risk impacts. The smallest projects identified in the Screening Table include construction of a 5 unit residential project on 1.7 acres and construction of a 5,000 square foot commercial project on 0.2 acres. The screening table reports that under worst-case conditions, there is the potential for significant health risk if a sensitive receptor is located within 95 or 100 meters (up to 328 feet) of such a construction site.

The nearest sensitive receptor to the Project site is over 2,700 feet away. Additionally, BAAQMD Screening Tables for Air Toxics Evaluation use a two-year construction period for screening purposes, the shortest period they recommend with the health risk modeling. While it is inappropriate to use this table to quantify an approximate risk for such a different project than those listed, it is reasonable to conclude that emissions and the resultant health risks from an exposure period of four months would be substantially less than emissions over a 2 year period for the nearest sensitive receptor some 2,700 feet away. The health risk models and methods are not considered accurate for such short durations as the construction-period of this Project.

Because of the distance to sensitive uses and because the exposure duration would be shorter than what can be accurately modeled (and substantially shorter than projects in BAAQMD's Screening Table) it is reasonable to assume that the potential health risk from construction-period emissions would be ***less than significant***.

[5] BAAQMD, May 2010, *Screening Tables for Air Toxics Evaluation During Construction*, Version 1.0.

Additionally, as recommended by BAAQMD, standard construction Best Management Practices would be implemented to reduce emissions as outlined in mitigation measure Air-1. This would further reduce diesel and particulate matter emissions.

OBJECTIONABLE ODORS

Would the Project:

e) Create objectionable odors affecting a substantial number of people?

Operation of the event center currently does not generate or result in objectionable odors and there is no reason to anticipate that replacing temporary facilities with a permanent structure would result in any new or any increase in odor levels from the event center's operation. During construction, diesel-powered vehicles and equipment would create odors that some may find objectionable. However, these odors would be temporary and not likely to be noticeable as the nearest residence is over one half mile away. Therefore, the potential for objectionable odor impacts is considered ***less than significant***.

4. BIOLOGICAL RESOURCES Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				x
b) Have a substantial adverse effect on any riparian, aquatic or wetland habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?			x	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				x
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			x	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				x
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				x
g) Result in conversion of oak woodlands that will have a significant effect on the environment?				x

The analysis and discussion in this section is based, in part, from biological studies included in an Environmental Impact Report (EIR) prepared for the San Francisco Public Utilities Commission (SFPUC)'s Hetch Hetchy Retrofit Project. That EIR (the "SFPUC EIR") is relevant because it evaluates the impacts of constructing a new underground tunnel – the New Irvington Tunnel – beneath the Applicant's 110-acre ranch, replacing an existing tunnel.[6] The alignment of the New Irvington Tunnel

[6] San Francisco Public Utilities Commission, *New Irvington Tunnel Final EIR, SHC No. No. 2006072085*, December 2009

crosses the Applicant's property about 200 feet south of and generally parallel to Sheridan Road. The discussion in that project's EIR regarding biological resources and potential impacts provides a basis for evaluating the effects of the Nella Terra Cellars project.

In addition to information from the SFPUC EIR, information regarding the presence of sensitive biological resources in the vicinity of the Project site was obtained from a search of the database maintained by the California Native Diversity Database (CNDDB). The results of the inquiry are presented below.

Finally, the discussion below includes the results of protocol-level surveys of California Tiger Salamanders and Red Legged Frogs at the Project site. The surveys were conducted in May and June of 2015 by Bumgarner Biological Associates at the Project site because these two protected species are known to occur in the general vicinity, as indicated in the results of the CNDDB data search.

General Site Characteristics

The Applicant's 110-acre ranch property is bounded by Sheridan Road to the east and similarly sized undeveloped rural ranchland properties to the north and south and west. The site consists of hilly terrain with valleys and knolls within an elevation range from approximately 625 to 1100 feet.

The site of the structure is already improved for the current use; native grasses and other botanical resources were removed or modified as part of the development of the current event center when it was built in 2014. The structure would be located on a flat base at the foot of the bowl-shaped area whose slopes have been converted to grape-producing vineyards. The site is accessed by gravel roads and walkways that descend to the base of the event center site from the adjacent parking area and Applicant's personal residence. The site where the structure would be constructed and the adjacent outdoor terrace overlook a pond and landscaped garden area.

Existing Habitats

Vegetation

The main vegetation type that occurs on the property is non-native annual grassland or California annual grassland. This vegetation community is most abundant and is widespread throughout California and the west. Non-native grassland is an herbaceous plant community dominated by non-native annual grasses.

Special-Status Wildlife - California Tiger Salamander

The California Tiger Salamander (CTS) is federally listed as threatened and is considered a California species of special concern and a candidate species under the California Endangered Species Act. The CTS is a lowland species restricted to grasslands and low foothill regions where its breeding habitat, including temporary ponds or pools, slower portions of streams, and some permanent waters, occurs. Adult CTS move from subterranean burrow sites to breeding pools during November through February after warm winter and spring rains. This species also requires dry-season refuge sites in uplands in the vicinity of breeding sites. Dry-season refuge sites include ground squirrel burrows, other rodent burrows, or in crevices in the soil.[7]

The CNDDB record search shows a number of CTS sightings in the general vicinity of the Project site (**Figure 3**). The presence of CTS in the general vicinity of the Project site is why BBC was engaged to conduct protocol level surveys at the Project site.

[7] Ibid, p 4.5-26.

Impact Analysis

WILDLIFE OR PLANT SPECIES

Would the Project:

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

California tiger salamander

Two surveys consistent with the standard protocols for aquatic surveys for CTS were conducted in April and a single survey was conducted in May of 2015. No CTS were found during the protocol surveys. It was discovered during the surveys that there is a substantial population of warm-water fish in the pond that likely precludes successful breeding and recruitment by CTS.

California red-legged frog

Six breeding season surveys were conducted at the project site for California red-legged frog (CRLF). No CRLF were found during the protocol surveys. The presence of warm-water fish also likely precludes the presence of CRLF. The only amphibian that was found in the pond during the surveys was Pacific treefrog (*Hyla regilla*).

The data from the surveys therefore supports a finding of absence for these species. In addition, though both species are known from various other locations within the Sheridan Valley region, the presence of warm-water fish is a reasonable explanation for the absence of these species in the pond at the Nella Terra Cellars project site. The project would not affect any species identified as a candidate, sensitive, or special status species at or near the Project site ***(No Impact).***

RIPARIAN HABITAT / SENSITIVE NATURAL COMMUNITIES

Would the Project:

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

Because of its location, not adjacent to a riparian habitat or other sensitive natural community identified in local or regional plans, replacing the canvas tent and associated support facilities with a permanent structure on the same site would not be expected to have a substantial on these resources. Therefore, this impact is considered ***less than significant***.

WETLANDS / WATERS OF THE U.S.

Would the Project:

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

The site where the structure would replace the existing tent and associated support facilities is already improved and absent of any wetlands. The project would not affect any on-site drainage, the adjacent pond or adjacent landscaping. The Project would have no effect on any waters or wetlands at or near the Project site. (***No Impact***)

MOVEMENT OF SPECIES

Would the Project:

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

The Project would not interfere with the movement of any native resident or migratory fish or wildlife species. As discussed above, the scope of the Project is limited to replacing the temporary event center facilities (the tent and portable bathrooms and warming kitchen) with a wooden structure of comparable size and scale on the same flat portion of the event center site. There would be no change to local drainages or the rolling hills and grasslands that comprise the balance of the applicant's property. If there are travel corridors on the applicant's property that are used by local wildlife including snakes, there is nothing about the Project that would interfere with such corridors or restrict the movement of wildlife.

Protocol level surveys for California Tiger Salamander and Red Legged Frog at and near the event center pond prove these species are not present at the Project site.

No aspect of the Project has the potential to interfere with the movement of species and any potential impacts in this regard would be ***less than significant***.

LOCAL POLICIES / TREE ORDINANCE

Would the Project:

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

The Project would not involve the removal of any trees or conflict with local policy or ordinance for the protection of biological resources. There is ***no impact*** in this regard.

CONSERVATION PLAN

Would the Project:

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

The Project site is not under the provisions of an adopted local, regional or state habitat conservation plan; therefore, there would be ***no impact*** in this regard.

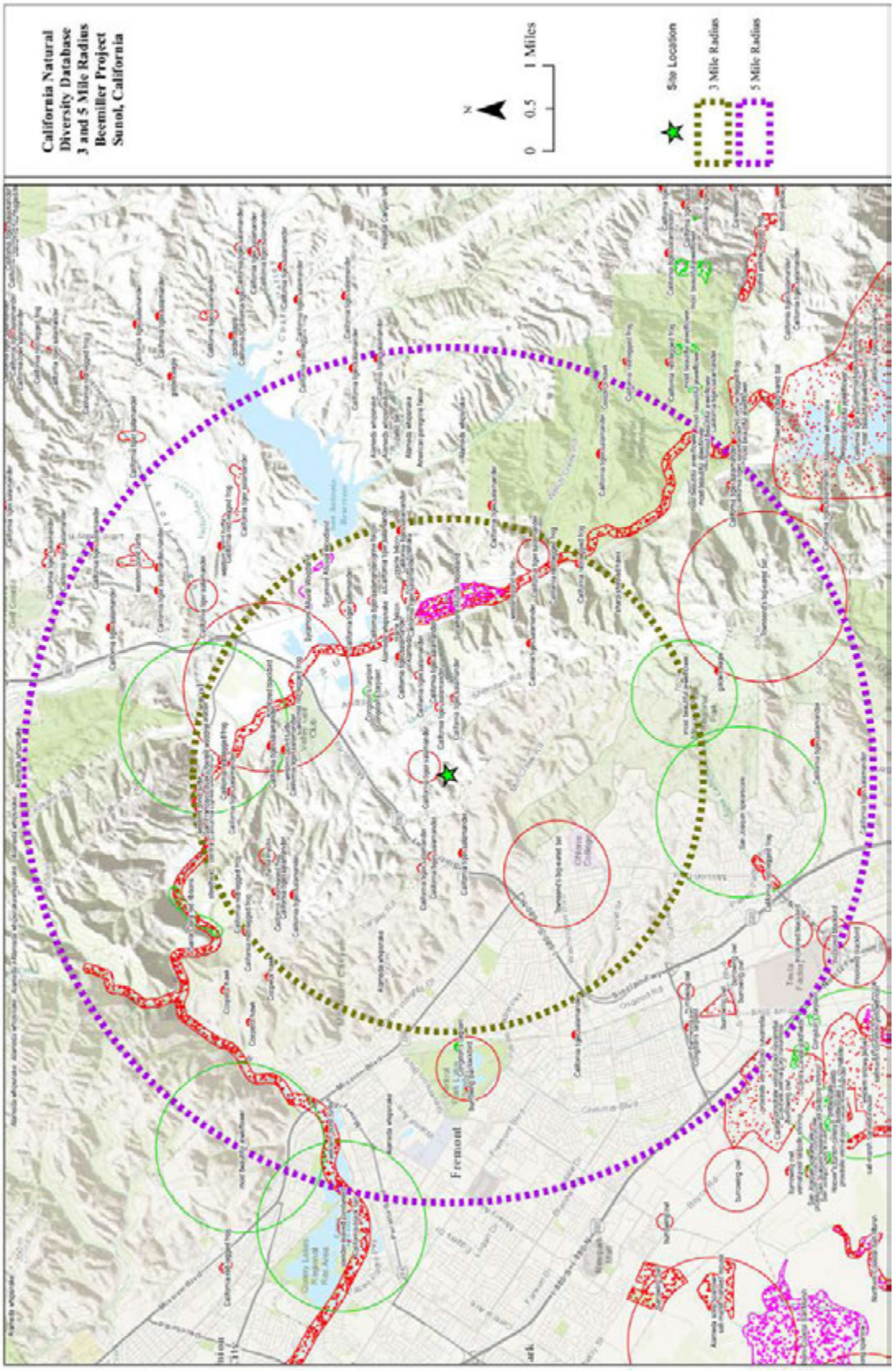

Figure 4: CNDDB Record Search

5. CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			x	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				x

GREENHOUSE GAS EMISSIONS

Would the Project:

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

Project construction activities would generate greenhouse gas (GHG) emissions, including the combustion of fossil fuels for construction equipment, vehicles and tools, construction vehicle trips, worker commute trips, grid-delivered electricity for lighting and equipment, and construction waste. Project occupancy would generate GHG emissions primarily associated with vehicle miles traveled, energy use and solid waste disposal.

BAAQMD has determined that GHG emissions and global climate change represent cumulative impacts. No single project could generate enough GHG emissions to noticeably change the global average temperature, but the combination of GHG emissions from past, present, and future projects contribute substantially to the phenomenon of global climate change and its associated environmental impacts. In developing screening criteria and thresholds of significance for GHG emissions, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. The threshold of significance for operational GHG emissions is 1,000 metric tons of carbon dioxide equivalent per year to assess smaller projects or an efficiency-based threshold of 4.6 metric tons carbon dioxide equivalent per service population per year for larger projects. BAAQMD does not have a separate threshold of significance for temporary construction-period GHG emissions.[8]

If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse GHG emissions impacts.

[8] As discussed in the Air Quality section of this Initial Study, BAAQMD's updated CEQA Air Quality Guidelines including thresholds of significance and screening criteria were adopted on June 2, 2010. On March 5, 2012 the Alameda County Superior Court issued a judgment finding that BAAQMD had failed to comply with CEQA when it adopted its 2010 thresholds and ordering BAAQMD to set aside the thresholds until BAAQMD had complied with CEQA. This case has subsequently been appealed and at the time of preparation of this report, was working its way through the courts. The technical and scientific basis for BAAQMD's 2010 thresholds was not rejected by the court and remains valid and based on substantial evidence; accordingly, the County in its discretion, pursuant to CEQA Guidelines Section 15064 and based on the County's determination that these thresholds are appropriate, has used these thresholds and screening criteria in this analysis.

BAAQMD presents screening criteria in their CEQA Guidelines that identify project sizes by type that could have the potential to result in emissions over criteria levels. This table includes a GHG emission screening level for a "quality restaurant" of 9,000 square feet.[9] Although a 6,300 square foot winery-related structure as an event center for weddings and wine tastings is not specifically listed on this screening table, and as stated previously in the Air Quality section of this Initial Study, it can be reasonably concluded from a comparison to the entries on the table that construction of the proposed structure is well below screening levels for the closest related land use presented in the BAAQMD screening table and therefore below significance levels. The Project is below the BAAQMD screening size; therefore, the GHG emissions impact of the Project is ***less than significant***.

GREENHOUSE GAS REDUCTION PLAN CONSISTENCY

Would the Project:

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

In February 2014 Alameda County Board of Supervisors adopted the Alameda County Community Climate Action Plan (CCAP)[10] as an element of the County's General Plan. The action to adopt the CCAP followed a series of previous and related actions related to the County's commitment to the reduction of greenhouse gas (GHG) emissions. Prior actions included:

- Initial adoption of the County's Climate Action Plan in June 2011 which was an advisory document, not bound in the County's General Plan;
- Adoption of the County's Strategic Vision in 2008
- The Cool Counties Climate Stabilization Declaration in 2007
- Adoption of the Climate Protection Leadership Resolution in 2006

The CCAP outlines a course of action to reduce community-wide greenhouse gas (GHG) emissions generated within the unincorporated areas of Alameda County. Successful implementation of the CCAP is expected to reduce GHG emissions to 15 percent below 2005 levels by 2020 and set the County on a path toward reducing emissions to 80 percent below 1990 levels by 2050, as required by State Law AB 32.

The CCAP is not a Greenhouse Gas Reduction Plan, per se, but as embodied in the County's General Plan, it commits the County to actions that will reduce greenhouse gas emissions from the County's own operations (e.g., retrofitting County buildings for greater energy efficiency, replacing gas vehicles with electric and natural gas powered cars for County use and a host of other actions) and by mandating a greater level of consciousness with regard to GHG emissions through the application and enforcement of policies as it considers actions regarding its own governmental operations and in its decision-making over private projects. Policies in the CCAP address a wide range of ways in which GHG emissions are to be reduced with regard to matters involving transportation, alternative energy, water conservation, waste recycling and green infrastructure.

With respect to private projects the CCAP provides criteria for determining whether a proposed project is consistent with the CCAP. Factors the County is to consider are:

- The extent to which the project supports or includes applicable strategies and measures, or advances the actions identified in the CAP;

[9] BAAQMD, May 2011, *California Environmental Quality Act Air Quality Guidelines*, pp. 3-2 to 3-3.

[10] http://www.acgov.org/cda/planning/landuseprojects/documents/110603_Alameda_CCAP.pdf, accessed 5/26/2015

- The consistency of the project with ABAG population growth projections, which are the basis of the GHG emissions inventory's projections;
- The extent to which the project would interfere with implementation of CAP strategies, measures, or actions.

One of the policies included in the CCAP that is applicable to the Project is Policy E-9, Energy Performance in New Construction which states:

> **E-9**: Provide incentives, such as priority permitting for buildings that exceed the current California Title-24 standards for energy efficiency by 30 percent (Tier 2).

The new warming kitchen and restroom facilities that would be part of the new structure would be built to Tier-2 standards that exceed Title 24 standards by 30 percent. The Project will comply with this policy.

The Project would meet the screening criteria developed by BAAQMD as a conservative indication of whether a proposed project could result in potentially significant GHG emissions impacts. BAAQMD's screening criteria and significance thresholds were formulated based on AB 32 reduction strategies. Until AB 32 has been fully implemented in terms of adopted regulations, incentives, and programs, and until the SCS or APS required by SB 375 have been adopted or ARB adopts a recommended significance threshold, BAAQMD's screening criteria and significance thresholds represent substantial compliance with applicable plans, policies and regulations adopted for the purpose of reducing GHG emissions.

The Project would comply with local, regional and state GHG emissions reduction plans and regulations, and impacts related to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions would be less ***than significant***.

6. CULTURAL RESOURCES Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?				×
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?		×		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		×		
d) Disturb any human remains, including those interred outside of formal cemeteries?		×		

The discussion of cultural resources below is based on information gleaned from several sources including the SFPUC EIR and on the results of an archival database search at the Northwest Information Center of the California Register of Historic Resources at Sonoma State University.[11]

HISTORICAL RESOURCES

Would the Project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

Field surveys for cultural resources conducted in October 2007 for the SFPUC EIR found that the Sheridan Valley segment of the New Irvington Tunnel work area is comprised of open space and ranch land; no cultural resources were identified as a result of this survey.[12] There are no permanent structures at the Project site, only the canvas Event Center tent and portable/removable toilet facilities and warming kitchen. None of these possess or evidence characteristics that suggest they could be historic resources pursuant to CEQA criteria. No historical cultural resources exist on the portion of the applicant's property where the proposed structure would be located. The Project would not result in a substantial adverse change in the significance of an historical resource. (***No impact)***.

ARCHAEOLOGICAL & PALEONTOLOGICAL RESOURCES AND HUMAN REMAINS

Would the Project:

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

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

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

[11] Northwest Information Center, Sonoma State University, *Record Search Results for the Proposed 5005 Sheridan Road Project*, NWIC File No. 14-1573, May 13, 2015.

[12] SFPUC EIR Supra at P. 4.4-12

As described earlier, the scope and scale of the proposed Project is limited to activities within an approximately 10,000 square foot area where the proposed structure would be placed. This is the only portion of the applicant's 110-acre property that would be affected or disturbed by the Project. Previous site disturbing construction work in preparing the site for the tent did not uncover or encounter archaeological or paleontological resources or human remains. The examination of the site by GeoForensics, as discussed in the Geology/Soils section of this Initial Study, resulted in a letter report that provided the results of Boring No. 2 which extended to a depth of 17.5 feet to determine the characteristics of the soil where footings for the tent would be set. Soils were determined to consist primarily of silty clay; ground water was not encountered above the depth of the boring. Foundations for the structure are not expected to require excavation or grading to a depth below the level of the tent footings (approximately 4 feet). Since there will be no excavation or site disturbing work in soil below the level previously disturbed, it is reasonable to assume that the Project would not encounter, disturb or have any effect on archaeological or paleontological resources or human remains.

The letter report from the Northwest Center also suggests that cultural resources are unlikely to be found at the Project site. It states:

> Based on an evaluation of the environmental setting and features associated with known sites, Native American resources in this part of Alameda County have been found on the banks and mid-slope terraces above seasonal and perennial waterways, at foothill to valley interfaces and within Holocene age landforms. The 5005 Sheridan Road project area lies on a mid-slope terrace near a tributary of Sheridan Creek and is composed geologically of Pre-Quaternary deposits and bedrock. Given the dissimilarity of one or more of these environmental factors, there is a low potential of identifying unrecorded Native American resources in the proposed 5005 Sheridan Road project area.
>
> Review of historical literature and maps gave no indication of historic-period activity within the 5005 Sheridan Road project area. With this in mind, there is a low potential of identifying unrecorded historic-period archaeological resources in the proposed 5005 Sheridan Road project area.[13]

The NWIC archival research revealed that there are no recorded archaeological sites at the proposed Project site. The report recommended, however, that specific procedures be put in place in the event that pre-historic cultural resources or human remains are encountered during construction activities. Disturbance of such resources or human remains, should it occur, would be considered a ***potentially significant*** impact. Therefore, to ensure that no unknown cultural resources are adversely impacted as a result of this Project, the following mitigation measures shall be incorporated as a condition of Project approval:

Mitigation Measures

Cult-1: **Discovery of Cultural Resources.** If archaeological resources are encountered during construction, work should be temporarily halted in the vicinity of the discovered materials and workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone

[13] NWIC Letter Report, Op. Cit. p. 1.

or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.

Cult-2: **Human Remains.** If skeletal remains are encountered, work in the immediate vicinity shall stop and the Alameda County Coroner and Alameda County Planning Department shall be notified immediately. An archaeologist shall also be consulted at the same time to evaluate the situation. If the Coroner determines that remains may be Native American, the California Native American Heritage Commission shall be notified within 24 hours of this identification to arrange at its discretion for qualified Native American or equivalent participation in determining the disposition of such remains.

Resulting level of significance

Implementation of Mitigation Measures Cult-1 and Cult-2 above will ensure that discovery of previously unknown or unanticipated cultural resources during Project construction and excavation activities is properly addressed, reducing the associated potential impact to a ***less than significant*** level.

7. GEOLOGY AND SOILS Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			x	
ii) Strong seismic ground shaking?			x	
iii) Seismic-related ground failure, including liquefaction?			x	
iv) Landslides?			x	
b) Result in substantial soil erosion or the loss of topsoil?			x	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			x	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			x	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			x	

The applicant's ranch property is a gently to steeply sloping, irregularly-shaped parcel located on the south side of Sheridan Road. The property is bounded by single family residential lots to the northeast and west, open grassland to the south and east, and Sheridan Road to the north. The ground surface in the site vicinity has an overall slope down towards the northeast.

Borings drilled in the location of the proposed tent structure penetrated very stiff and hard silty clay with varying amounts of sand down to the terminated boring depth of 17.5 feet. Some pieces of asphalt and organics were encountered in the upper 11 feet.

PUBLIC HAZARD THROUGH SEISMIC RELATED GROUND FAILURE

Would the Project Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

a): Geologic Risk of Fault Rupture, Groundshaking, Ground Failure and Landslide

The Seismic Hazards Zone Map indicates the site is outside of the areas where: 1) there is a historic occurrence of liquefaction; 2) there have been previous occurrences of landslide movement; and 3) there are local topographic, local geological, geotechnical, and groundwater conditions would indicate a

potential for permanent ground displacement such that mitigation, as defined in Public Resource Code Section 2693(c), would be required. The active Hayward Fault is mapped approximately 1.9 miles (3.0 km) southwest of the site.

Potential impacts to public hazards related to seismic activity would be ***less than significant***.

PUBLIC HAZARD THROUGH EROSION RELATED GROUND FAILURE

Would the Project:

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

c): Be located on a geologic unit or soil that is unstable, or that would become unstable

d): Be located on expansive soil

e): Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water

Borings conducted at the project site on February 19, 2014 showed 1 to 3 feet of medium dense to silty gravelly sand with varying amounts of gravels, asphalt and brick pieces, and rock fragments. This was underlain by very dense silty sand with sandstone fragments, down to the terminated boring depths of 3.5, 4, and 4.5 feet.

Other boring locations found 3 to 4 feet of medium dense to silty gravelly sand with varying amounts of gravels, asphalt and brick pieces, and rock fragments. This was underlain by very stiff silty sandy clay with varying amounts of gravels and rock fragments to depths of 6.5 and 7.5 feet.

One boring showed, a very dense cemented sand/sandstone was encountered from 7.5 feet down to the base of the boring.

An additional boring found that firm sandy clay with roots was encountered from 6.5 feet down to the base of the boring.

3.5 feet of medium dense to silty gravelly sand with varying amounts of gravels, asphalt and brick pieces, and rock fragments was found at another boring. This was underlain by very stiff silty clay with sand and gravels down to the base of the boring at a depth of 4.5 feet.

No free groundwater was encountered during drilling. However, during periods of heavy rain or late in the winter, groundwater seepage may exist at shallower depths, most likely as perched water atop the stiffer clays/denser sands.

Based upon this information, we believe that the existing project area is adequately constructed from a geotechnical perspective. Potential impacts to public hazards related to soil erosion would be ***less than significant***.

8. HAZARDS AND HAZARDOUS MATERIALS Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			x	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			x	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				x
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				x
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				x
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				x
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				x
h) Expose 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?			x	

The Project site consists of an approximately 10,000 square foot flat surface that currently supports an approximately 5,000 square foot canvas party tent and supporting temporary restroom facilities and a warming kitchen. The Project site occupies a small portion of the 110-acre surrounding property owned by the applicant. The surrounding property consists of rolling hills and valleys that extend upwards from Sheridan Road and is used primarily for limited horse and cattle grazing. There are no schools or airports near the site and it is not located within an area governed by an airport land use plan.

PUBLIC HAZARD THROUGH ROUTINE USE OR RESULTING FROM ACCIDENTAL RELEASE OF MATERIALS

Would the Project:

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

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

The Project would not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials; nor would it result in a public hazard resulting from accidental release of hazardous materials.

The primary operations of the proposed Project would be as an event center for weddings or other special occasions involving groups of up to 300 participants as authorized under CUP PLN2013-00206. Events would typically involve the serving of food and beverages and group activities including music, dance and the like. No aspect of the allowable events would involve or create a significant hazard to the public under normal operating practices. Clean-up following Event Center events would likely utilize cleaning solvents, paints and other hazardous materials typically classified as "household" hazardous materials, which would not require special permits or use authorization.

Construction activities would require the use and transport of potentially hazardous materials such as oils and combustible fuels; however, significant quantities of hazardous material would not be stored on-site.

Potential impacts related to the use, transportation or accidental release of potentially hazardous materials would be ***less than significant***.

HAZARDS NEAR SCHOOLS

Would the Project:

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

As discussed above, the proposed use would not involve the handling or transportation of significant amounts of hazardous materials. Moreover, the Project site is approximately 2 miles northeast of the nearest school site, Mission San Jose High School in Fremont, and an accidental release of any of the household hazards that may be present at the site would have no effect. Therefore, there is ***no impact*** in this regard.

HAZARDS FROM A LISTED HAZARDOUS SITE

Would the Project:

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

A search of the California State Department of Toxic Substances Control EnviroStor Database, the statewide hazardous materials database, determined that neither the Project site, nor any other parcels on Sheridan Road, is included.[14] Similarly, the website for the Regional Water Quality Control Board, *Geo Tracker*, was visited. The search resulted in no hazardous waste sites being identified, indicating that the site is not listed as a hazardous materials site.[15] There is ***no impact*** in this regard.

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[14] http://www.envirostor.dtsc.ca.gov/public/mapfull.asp?global_id=&x=-119&y=37&zl=18&ms=640,480&mt=m&findaddress=True&city=5005%20Sheridan%20Road,%20Sunol,%20CA&zip=&county=&federal_superfund=true&state_response=true&voluntary_cleanup=true&school_cleanup=true&ca_site=true&tiered_permit=true&evaluation=true&military_evaluation=true&school_investigation=true&operating=true&post_closure=true&non_operating=true, visited May 26, 2015.

[15] http://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=5005+Sheridan+Road%2C+Sunol%2C+CA, visited May 26, 2015.

PROXIMITY TO AIRPORT PLAN OR FACILITIES

Would the Project:

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

f) For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?

The Project site is not located within an airport land use plan, within two miles of a public or public use airport, or in the vicinity of a private airstrip. (***No Impact)***

EMERGENCY RESPONSE

Would the Project:

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

The site is currently occupied by a one-story, wood-framed residence situated at the southern portion of the lot. A mixed gravel/tar-surfaced roadway leads from Sheridan Road to the back of the property

The Alameda County Fire Department (ACFD) states that if minimum design standards are met, then a Project would not interfere with emergency response or emergency evacuation. At the time the existing Event Center was being developed in 2014, the ACFD design standards for access roads required a minimum width of 20 feet with a maximum allowable grade of 14 percent. The ACFD approved the alignment and grades of the driveway that provides access to the event center and the residence. The geotechnical evaluation of the roadway concluded that the road was structurally capable of supporting the weight of a 75,000 pound fire truck load.[16] The current access roads are considered acceptable to the ACFD in terms of emergency access.[17] No changes to the access roadways are proposed or deemed necessary as there would be no change to the maximum capacities or frequency of events allowed within the terms of CUP PLN2013-00206 (***No impact)***

WILDLAND FIRE HAZARDS

Would the Project:

h) Expose 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?

The Project is located in a rural area characterized by farming and other uses. The ACFD does not have a map delineating the Urban Wildland Interface and therefore it is not determined whether the Project is located within this zone.[18] However, CUP PLN2013-00206 was granted subject to conditions imposed by the ACFD which require the applicant to maintain compliance with Fire Marshal requirements for fire breaks between the event center and adjacent properties, and maintain vegetation generally to minimize fire hazards throughout property. Compliance with CUP PLN2013-00206 is evidence that the Project does not expose people or structures to a significant risk of loss, injury or death involving wildland fires and any such impacts would be ***less than significant***.

[16] GeoForensics, Inc., *Geotechnical Evaluation of the Existing Driveway/Roadway*, March 17, 2014.

[17] Scott MacMillan, Deputy Fire Marshall, Alameda County Fire Dept., personal conversation, May 12, 2015.

[18] Ibid.

9. HYDROLOGY AND WATER QUALITY Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Violate any water quality standards, conflict with water quality objectives, fail to meet waste discharge requirements, significantly degrade any surface water body or groundwater, or adversely affect the beneficial uses of such waters, including public uses and aquatic, wetland and riparian habitat?			x	
b) 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 (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			x	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site (i.e. within a watershed)?			x	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff (e.g., due to increased impervious surfaces) in a manner which would result in flooding on- or off-site (i.e. within a watershed)?			x	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems due to changes in runoff flow rates or volumes?			x	
f) Result in a significant increase in pollutant discharges to receiving waters (marine, fresh, and/or wetlands) during or following construction (considering water quality parameters such as temperature, dissolved oxygen, turbidity, and typical stormwater pollutants such as heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?			x	
g) Result in an increase in any pollutant for which a water body is listed as impaired under Section 303(d) of the Clean Water Act?			x	

9. HYDROLOGY AND WATER QUALITY Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
h) Place housing 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?				×
i) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				×
j) 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?				×
k) Inundation by seiche, tsunami, or mudflow?				×

The 110-acre property owned by the Project applicant is located in the Alameda Creek Watershed, approximately three miles southwest of the San Antonio Reservoir and approximately six miles northwest of the Calaveras watershed. The topography of both the Project site and the surrounding area consists of rolling hills. No streams are located on the project site. The property is not located in the 100-year flood plain as designated by the Federal Emergency Management Agency (FEMA), and risk to structures or residents from flooding does not exist. The Alameda Watershed Management Plan identified the project area as located in a moderate water quality vulnerability zone because Sunol Valley is primarily protected for water supply and the area is managed by the SFPUC to capture and store waters from local runoff.

The approximately 10,000 square foot site of the proposed structure is located at the foot of a bowl-shaped area in the southwest corner of the applicant's property.

DEGRADATION OF WATER QUALITY / VIOLATION OF STANDARDS

Would the Project:

a) Violate any water quality standards, conflict with water quality objectives, fail to meet waste discharge requirements, significantly degrade any surface water body or groundwater, or adversely affect the beneficial uses of such waters, including public uses and aquatic, wetland and riparian habitat?

f) Result in a significant increase in pollutant discharges to receiving waters (marine, fresh, and/or wetlands) during or following construction (considering water quality parameters such as temperature, dissolved oxygen, turbidity, and typical stormwater pollutants such as heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?

g) Result in an increase in any pollutant for which a water body is listed as impaired under Section 303(d) of the Clean Water Act?

Potential water quality impacts under this topic fall into two categories: short-term impacts due to construction and long-term impacts due to Project operation (i.e., post-construction). Each is discussed separately below.

Potential Short-Term Construction Impacts

Excavation and construction-related runoff could contain soil and other pollutants, which may contribute to reduced water quality in local water bodies. Construction equipment would use toxic chemicals (e.g., gasoline, oils, grease, lubricants and other petroleum-based products) that could be released accidentally.

Compliance with the State Construction General Permit and its associated SWPPP, would minimize the generation of polluted runoff, reduce potential on- and off-site erosion and siltation, and reduce the potential for water quality degradation during construction to less than significant levels. This is further complimented through mandatory compliance with County building and construction code requirements ensuring grading activities do not result in substantial sedimentation or siltation hazards.

Potential Post-Construction Impacts.

During operation of the Project, typical landscape and vehicular chemicals may contaminate runoff from the Project site. Such contaminants typically include cleaning solvents, pesticides, fertilizers, lubricants, metals, and fuel products. The Project site is currently in use as an Event Center for weddings, wine tastings and other events consistent with the terms of CUP PLN2013-00206. There would be no change in the types of events or their intensities or frequencies in the future should the Project be approved. The degree of post construction run-off is expected to remain substantially the same because the amount of impervious surface will not substantially change from existing conditions.

The NPDES Municipal Storm water Permit for Alameda County incorporates updated State and federal requirements related to the quantity and quality of post-construction storm water discharges from new development and redevelopment projects. Provision C.3 of the NPDES permit governs storm drain systems and regulates post construction storm water runoff.

Specifically, Provision C.3 of the NPDES permit requires the County to continue to implement development and redevelopment performance standards, and to improve them to achieve the control of storm water pollutants to the maximum extent practicable. The County includes conditions of approval in permits for applicable projects to ensure that storm water pollutant discharges are reduced by incorporation of treatment measures and other appropriate source control and site design measures, and to manage increases in runoff flows to the maximum extent practicable. Such conditions require project proponents to implement site design/landscape characteristics where feasible to maximize on-site infiltration and provide retention or detention (where appropriate), slow runoff, and minimize impervious land coverage so that post-development pollutant loads from a site are reduced to the maximum extent practicable.

Under the requirements of Alameda County's NPDES permit, new development or redevelopment projects that create or replace more than 10,000 square feet of impervious surfaces (known as Group 2 projects), are required to implement appropriate source control and site design measures and to design and implement appropriate storm water treatment measures to reduce storm water pollution to the maximum extent practicable. The Project would not involve grading or site preparation of more than 10,000 square feet. The Project would therefore not be required to comply with Provision C.3 of the NPDES permit as a Group 2 project.

In light of the restrictions imposed under CUP PLN2013-00206 the Project would not result in an increase in event capacity or frequency and therefore changes to the CUP to allow the proposed permanent structure would not substantially change or increase the flow rate or volume of stormwater runoff compared with current conditions. Post-construction runoff would not exceed pre-project rates and/or durations and thus there would be no change to stormwater discharge rates and/or durations or any change in erosion or other significant adverse water quality effects. Finally, since compliance with the Alameda Countywide Municipal NPDES permit is not required it is reasonable to assume that the Project's effects on water quality from stormwater runoff would be ***less than significant.***

GROUNDWATER SUPPLIES AND REGHARGE

Would the Project:

b) 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 (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

The Project site is not located within a groundwater basin as delineated by the State Department of Water Resources (DWR).[19] Because of the small footprint and minimal increase in the amount of impervious surface area with a structure compared with the existing tent, the operation of the Event Center would not have a significant effect on groundwater recharge and impacts related to groundwater recharge will be ***less than significant***.

EROSION / SILTATION AFFECTING WATER QUALITY

Would the Project:

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

The Project would not substantially alter the existing drainage pattern of the site or area. As discussed above, the Project site consists of an area of approximately 10,000 square feet at the southeast corner of a 110-acre property. No stream or river would be altered as a result of the proposed Project. Because of its limited scope and size, the Project is not subject to the Alameda Countywide Municipal NPDES permit requirement and therefore it is reasonable to assume that the Project's effects on drainage patterns or the course of a stream or river would be ***less than significant.***

EXCEED STORM DRAINAGE CAPACITY AND FLOODING

Would the Project:

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

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems due to changes in runoff flow rates?

As discussed above, the Project would not alter the existing drainage pattern of the site. Because of its limited scope and size, the Project is not subject to the Alameda Countywide Municipal NPDES permit requirement and therefore it is reasonable to assume that the Project would not result in any material change in the rate or amount of surface runoff that could potentially result in flooding on or off site. Effects related to surface runoff are ***less than significant.***

Runoff from the Project is absorbed into the ground before reaching the stormwater drainage system in Sheridan Road. The Project would not affect the rate or quantity of stormwater runoff and drainage patterns would not be changed or affected by the Project. Post-construction runoff would not exceed the capacity of existing or planned storm drain systems, and any related impacts are ***less than significant***.

FLOOD HAZARD AREAS

Would the Project:

h) Place housing 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, that would impede or redirect flood flows?

[19] California State Department of Water Resources, https://gis.water.ca.gov/app/boundaries , accessed May 26, 2015.

i) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?

j) 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?

The Project is not located within a 100-year flood zone nor is it subject to flooding as a result of levee or dam failure. There would be ***no impact*** in these regards.

SEICHE, TSUNAMI, AND MUDFLOW

Would the Project:

k) Inundation by seiche, tsunami, or mudflow?

The Project site is distant from any bodies of water that could result in a seiche or tsunami; therefore, there is ***no impact***

10. LAND USE AND PLANNING Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Physically divide an established community.				×
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				×
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				×

PHYSICAL DIVISION OF COMMUNITY / LAND USE COMPATIBILITY

Would the Project:

a) Physically divide an established community?

The proposed Project would not physically divide an established community nor result in a fundamental conflict between adjacent or nearby land uses. The Project site is located in unincorporated Alameda County, approximately 3.2 miles south of the unincorporated community of Sunol. The Project site has a General Plan designation of Large Parcel Agriculture and a Zoning Designation of "A"–Agriculture. These designations require a minimum lot size of 100 acres. The Project involves replacing temporary event facilities with a permanent structure having a similar footprint with the approximately 10,000 square foot Project site. The Project would have no effect on the balance of the 110-acre property on which the Project itself is located. The agricultural designation and 100-acre lot size minimum standards of the County's General Plan and zoning would not be affected. The County's issuance of CUP PLN2013-00206 is evidence that the event center is consistent with the Large Parcel Agriculture General Plan designation. For these reasons, the Project would not physically divide an established community. There is ***no impact*** in this regard.

LAND USE PLAN OR POLICY CONFLICT

Would the Project:

b) Conflict 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?

East County Area Plan and Measure D

The *East County Area Plan* (*ECAP*) provides the General Plan goals and policies for this area of Alameda County and describes the General Plan Land Use Categories. The ECAP was amended following the citizen-initiated referendum known as "Measure D" in 1999. The intent of Measure D was to preserve and enhance agriculture and agricultural lands and protect the natural qualities, wildlife habitats, watersheds and open spaces of Alameda County from excessive, badly located and harmful development.

The County's issuance of CUP PLN2013-00206 is evidence that the event center is consistent with Measure D, the ECAP, the Large Parcel Agriculture General Plan designation and the A zoning classification. For these reasons, the Project would not involve any conflict with applicable land use plans, policies or regulations. There is ***no impact*** in this regard.

The Project will require approval of an amendment to the existing CUP PLN2013-00206 in which the proposed use would be considered a "winery related use" as provided in Section 17.06.040 of the County's zoning ordinance. Conditional uses (and amendments thereto) are issued by the East County Board of Zoning Adjustments (EBZA) which is the decision-making body that issued the existing CUP. Thus the Project could be permitted under the *ECAP*, Measure D and the zoning code, provided approval is granted by the EBZA. The Project would not conflict with any land use plan or policy adopted for the purpose of avoiding or mitigating an environmental effect. There would be ***no impact*** in this regard.

CONSERVATION PLAN

Would the Project:

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

The Project site is not subject to a habitat conservation plan or a natural community conservation plan. There is ***no impact*** in this regard.

11. MINERAL RESOURCES Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				×
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				×

MINERAL RESOURCES

Would the Project:

a) Result in the loss of availability of a known mineral resource?

b) Result in the loss of availability of a locally important mineral resource?

The limited scope and extent of the Project would not affect any known mineral resource or result in the loss of availability of a locally important mineral resource. (***No impact)***

12. NOISE Would the project result in:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			x	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			x	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			x	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			x	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				x
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				x

CONSTRUCTION NOISE

Would the Project:

a) Result in exposure of persons to or generation of noise levels in excess of local standards?

b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

d) Result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?

Construction activities, including trenching for utilities and pouring foundation footings for the structure would result in temporary noise increases due to the operation of heavy equipment. Construction noise sources range from about 76 to 85 dBA (L_{eq}) at 50 feet for most types of construction equipment with slightly higher levels of about 88 to 91 dBA (L_{eq}) at 50 feet for certain types of earthmoving equipment.

The potential for construction-related noise to adversely affect nearby residential receptors depends on the location and proximity of construction activities to nearby residential receptors or other receptors sensitive to noise. The Project site is at the base of a bowl-shaped area in a rural agricultural setting surrounded by open spaces. The applicant's property and its surrounding parcels are minimum 100 acres, which means that there is sufficient distance between adjacent residences to buffer most acute noise impacts. The nearest residence to the Project site is over ½ mile away from where the structure would stand, well beyond where construction noise would be perceptible. Further, the limited scope of construction activities will not result in excessive groundborne vibration impacts related to construction noise or groundborne vibration will be ***less than significant***.

OPERATIONS

Would the Project:

a) Result in exposure of persons to or generation of noise levels in excess of local standards?

c) Result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?

CEQA is concerned with two aspects of noise - the potential that existing noise levels at a given location (e.g., an urban setting or close to a freeway or other chronic source of objectionable noise) could adversely affect residents or other persons associated with a proposed project (i.e., if the proposed site of the project is located close to the noise source). In this sense, CEQA is concerned with the effect of the environment on the project. CEQA is also concerned with the reverse perspective: would the project result in a significant effect on the environment. Both aspects of the concern are addressed below.

At the Nella Terra Cellars Project site the ambient noise level is very low and the Project itself would not be considered a noise sensitive use. The low level of ambient noise experienced at the Project site is attributed to the rural, unpopulated nature of the area, the bowl-shaped nature of the immediate site where the structure would be placed, the rolling hill and valley nature of the local topography, the long distance to the closest nearby neighbor and the low level of local traffic. There is nothing about the nature of the setting that would result in the Project exposing future users of the event center to excessive noise levels. In other words, the effect of the local noise environment on the Project will be ***less than significant***.

As to whether the operation of the Project would expose others to excessive noise levels or result in a substantial permanent increase in noise levels above levels existing without the project, again the answer is in the negative. Events at the Nella Terra Cellars site occur only on weekends, typically Friday and Saturday late afternoons and into the late evening, and there are no events happening in several months of the year (January – February). Thus, operational noise is sporadic and of limited duration. And for the same reasons that prevent exterior noise levels from adversely affecting people using the event center, noise generated at the event center during weddings or other winery-related events (e.g., loud conversation or "party" noise, amplified music, car traffic to and from the site, etc.) does not carry beyond the property boundaries. During the first year of operation there have been no noise complaints from neighbors. Replacing the canvas tent with a large wooden structure would more likely reduce the potential for noise to adversely affect neighbors or result in a significant change in ambient noise levels. Impacts related to the operation of the event center will be ***less than significant***.

AIRPORT OR PRIVATE AIRSTRIP

Would the Project:

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

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

The Project site is not within an airport land use plan, within two miles of a public or public use airport, or within the vicinity of a private airport. There would be ***no impact*** in this regard.

13. POPULATION AND HOUSING Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			x	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				x
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				x

POPULATION INDUCEMENT

Would the Project:

a) Induce substantial population growth in a manner not contemplated in the General Plan?

The Project involves replacing the existing tent with a permanent structure for weddings, wine tastings and other events associated with a vineyard. The frequency and intensity of events at the Nella Terra Cellars Event Center would remain at the same level as allowed under CUP PLN2013-00206 drawing users from the surrounding region and not inducing growth in any manner not contemplated by the General Plan. The Project would not result in the development of housing, jobs or have other growth inducing effects.

The Project is consistent with the General Plan, is not a housing development, and would not otherwise significantly induce substantial population growth. This impact is considered ***less than significant.***

DISPLACEMENT OF HOUSING AND/OR PEOPLE

Would the Project:

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?

The Project site is currently developed for its intended use as a winery-related Event Center. No aspect of the Project would involve displacement of existing housing or people. (***No impact)***.

14. PUBLIC SERVICES Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Fire protection?			×	
b) Police protection?			×	
c) Schools?				×
d) Parks?				×
e) Other public facilities?				×

FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

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

a) Fire protection?

Fire protection in this area is provided by the California Department of Forestry and Fire Protection (Cal Fire) under contract with the Alameda County Fire Department. The nearest Cal Fire station is Station 14 located in Sunol at 11345 Sunol Road, approximately 4.2 miles northeast of the Project site. The close proximity of Station 14 to the Project site ensures a speedy response in the event of a fire. Furthermore, under operative mutual aid agreements, Cal Fire would receive assistance from the Fremont fire department, which maintains a station at 37645 2nd Street in Fremont, approximately 6.2 miles from the Project site.

A critical factor in the ability to provide adequate fire services is the provision of water. The Project currently maintains a 15,000 gallon water tank on site that is the initial source of water for emergency fire suppression. Importantly also, the pond has a capacity of some 500,000 gallons and could be accessed with a suitably sized pump which the applicant intends to purchase and install for emergency situations. The Event Center already has an emergency back-up generator that would be used to power the pump in the event of a power failure.

In light of the close proximity of the site to two fire service providers, the site's close proximity to I-680 access, and the provision of on-site water and access to the volume of water in the pond, the Project would not significantly impact the ability of fire service providers to provide service to either the Project or other residents and users in the area. No new or physically altered governmental facilities would be needed in connection with providing adequate fire protection services to the Project. Impacts related to fire protection services are considered a ***less than significant***.

POLICE PROTECTION

Would the Project:

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

b) Police protection?

Law enforcement in the Project vicinity is provided by the Alameda County Sherriff's Department from the Eden Township Substation located at 15001 Foothill Boulevard in San Leandro. Based upon a description of the Project, the frequency of events and limits established in the CUP, the Sherriff's Department does not believe the replacement of temporary Event Center facilities with a permanent structure would impact either the Sherriff's Department's ability to respond in a case of emergency, or result in the need for new or physically altered police protection facilities.[20] Impacts related to police protection are considered ***less than significant***.

SCHOOLS, PARKS & OTHER PUBLIC FACILITIES

Would the Project:

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

c) Schools?

d) Parks?

e) Other public facilities?

The Project is not a residential housing project and the analysis in this document demonstrates that it would not be growth-inducing. Uses permitted at the Event Center - whether at the existing tent or at the proposed structure - are now and would continue to be subject to the terms and limitations set forth in the CUP which does not permit occupancy on a full-time basis and hence there would be no demand for or use of school, parks or other public services or facilities. (***No Impact).***

[20] Sergeant Robert Gaiton, Alameda County Sherriff's Dept., Eden Township Substation, personal communication, May 26, 2015.

15. RECREATION Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				x
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				x

ACCELERATED PHYSICAL DETERIORATION OF FACILITIES

Would the Project:

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

The Project would not result in an increase in the use of neighborhood and regional parks or other recreational facilities because the Project is not residential in nature and would not result in a significant increase in population. There would be ***no impact*** in this regard.

EFFECT OF NEW OR EXPANDED FACILITIES

Would the Project:

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

The Project does not include recreational facilities, nor would it require the construction or expansion of recreational facilities. Therefore, there would be ***no impact***.

16. TRANSPORTATION Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				×
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				×
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that would result in substantial safety risks?				×
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				×
e) Result in inadequate emergency access?				×
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				×

CONSISTENCY WITH PLANS ORDINANCES AND POLICIES RE: EFFECTIVENESS OF CIRCULATION SYSTEM

Would the Project:

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

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Sheridan Road is a two-lane road with a capacity of approximately 15,000 vehicles per day. Sheridan Road currently serves several rural homes and is able to accommodate the vehicles that currently access the Event Center. No increase in the capacity of the Event Center or frequency of events is proposed, only the replacement of temporary facilities with a permanent physical structure. The nature and the level of activities that would occur on the Project site with a permanent structure would be substantially the same as occurs currently with the temporary tent and associated support facilities. No aspect of the Project would alter the effectiveness of the circulation system including all modes of transportation. Consequently, the Project would not conflict with applicable plans, ordinances or policies establishing measures of effectiveness for the performance of all aspects of the circulation system. Traffic generated

for construction would be minimal in both level and duration. Traffic generated by events at the Event Center would be similar to what is permitted under the current CUP. There would be ***no impact*** in this regard.

AIR TRAFFIC PATTERNS

Would the Project:

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location which results in substantial safety risks?

The Project would not result in a change in air traffic patterns. There is ***no impact***.

DESIGN HAZARDS AND EMERGENCY ACCESS

Would the Project:

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

e) Result in inadequate emergency access?

As with the current operation of the Nella Terra Cellars Event Center, direct access would be provided via a full-access driveway on Sheridan Road. The traffic on Sheridan Road is relatively low, and entering and exiting traffic would experience little delay due to the opposing traffic volumes. There is adequate sight distance to and from the driveway. Along the project frontage, Sheridan Road measures 17 feet wide with one eastbound lane and one westbound lane. This is a substandard roadway width according to Alameda County design standards.

The Project would be located far from travelled portions of Sheridan Road and would present no obstacles to emergency access. The Project would have ***no impact*** with regard to inadequate emergency access.

CONFLICT WITH ADOPTED PLANS POLICIES OR PROGRAMS

Would the Project:

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Operation of the Event Center would continue as currently permitted under the CUP and as a consequence there would be no basis to anticipate any new conflict with adopted policies plans or programs regarding public transit, bicycle or pedestrian facilities or otherwise affect the performance or safety of such facilities. (***No impact)***.

17. UTILITIES AND SERVICE SYSTEMS Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				×
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				×
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			×	
e) 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?				×
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				×
g) Comply with federal, state, and local statutes and regulations related to solid waste?				×

WASTEWATER COLLECTION, TREATMENT, DISPOSAL

Would the Project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

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

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments?

The proposed Project is located in a rural portion of the County using an onsite septic tank and leach field system for wastewater treatment and disposal. No aspect of the proposed replacement of temporary tent and related facilities with a permanent structure would change the current use of the on-site wastewater system. As a consequence, the Project would have ***no impact*** with respect to applicable RWQCB treatment requirements, ***no impact*** to the physical characteristics of the facility, and ***no impact*** to the facility's capacity to continue providing adequate services.

WATER SUPPLY AND TREATMENT

Would the Project:

d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?

Project water would be drawn from an on-site well which is stored in a 15,000 gallon reservoir located at the high point in land above the Event Center. A 15,000 gallon water tank currently sits on the Project site and will continue to be relied upon.

The Project currently utilizes septic tank and leach field systems to dispose of sewage and wastewater and with the replacement of the tent and related temporary facilities with a permanent structure there would be no change in how wastewater is collected, treated and discharged.

Based on the fact that the Project is self-sufficient in terms of water supply and wastewater disposal, the Project would not contribute wastewater to a treatment facility. Therefore, the Project would not result in the need for the construction of new water or wastewater treatment facilities, or the expansion of existing facilities. There would be ***no impact*** in this regard.

Based on the fact that the Applicant has obtained a permit and drilled a well, the Project is determined to have sufficient water supplies available. Based on this analysis existing entitlements and resources are available to serve the Project, no new or expanded facilities would be necessary. Therefore, this impact is considered to be ***less than significant***.

STORM DRAINAGE FACILITIES

Would the Project:

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The proposed Project would not require the construction of new storm water drainage facilities or the expansion of existing facilities; however, unless a release is obtained from the neighboring property owners and approval is obtained from Caltrans to discharge into their system, this is considered to be a ***potentially significant*** impact.

SOLID WASTE

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Aside from replacing the existing tent with the proposed event center structure the Project would remain consistent with the existing CUP and there would be no change with regard to compliance with federal state and local statutes related to solid waste. (***No impact***)

18. MANDATORY FINDINGS OF SIGNIFICANCE	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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?			x	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			x	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			x	

a) Environmental Quality. With the implementation of mitigation measures, the Project would not 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, or threaten to eliminate a plant or animal community. The Project would not impact rare or endangered wildlife species, or eliminate important examples of the major periods of California history or prehistory.

b, c) Cumulative Impacts and Adverse Effects on Human Beings. There would be no increase in the level or intensity of activity permitted at the Project site pursuant to the terms and limitations set forth in the current CUP. The operation of the Project, once construction is complete, will be very similar to the current level of activity and the cumulative effects from the operation of the Project following construction would be less than significant.

The Project does not have individually limited but cumulatively considerable adverse impacts and would not involve substantial adverse effects on human beings, either directly or indirectly, including effects for which project-level mitigation were identified to reduce impacts to less than significant levels. These include impacts related to the generation of dust during construction activities and the discovery of unknown cultural resources or human remains during construction. These potential effects would be less than significant with implementation of mitigation measures identified in this document and would not contribute in considerable levels to cumulative impacts.

DOCUMENT PREPARERS

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County of Alameda
This document was prepared in consultation with Jana Beatty Weldon, Senior Planner , Alameda County Planning Department.

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12. Summary of results of the 2015 protocol surveys for California tiger salamander (CTS) (*Ambystoma californiense*) and California red-legged frog (*Rana draytonii*) at the Nella Terra Cellars project site in Sunol, California, June 2015. Bumgardner Biological Consulting, Gold River, CA.

F. MITIGATION MEASURES TO BE INCLUDED IN THE PROJECT AND AGREED TO BY THE PROJECT SPONSOR AND ALL SUBSEQUENT PROPERTY OWNERS AND PERMITTEES

The following mitigation measures are required to reduce potentially significant impacts of the proposed project to a "Less Than Significant" or "No Impact" level. These mitigation measures shall be made conditions of approval for the project. For every mitigation measure, the Permittee will be responsible for implementation actions, schedule, funding and compliance with performance standards, unless otherwise stated in the measure.

Mitigation Measures

Air-1: **Basic Construction Management Practices.** The Project sponsor shall demonstrate proposed compliance with all applicable regulations and operating procedures prior to issuance of building or grading permits, including implementation of the following BAAQMD "Basic Construction Mitigation Measures":

i) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

ii) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

iii) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

iv) All vehicle speeds on unpaved roads shall be limited to 15 mph.

v) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

vi) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

vii) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

viii) Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Cult-1: **Discovery of Cultural Resources.** If archaeological resources are encountered during construction, work should be temporarily halted in the vicinity of the discovered materials and workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone

or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.

Cult-2 **Human Remains.** If skeletal remains are encountered, work in the immediate vicinity shall stop and the Alameda County Coroner and Alameda County Planning Department shall be notified immediately. An archaeologist shall also be consulted at the same time to evaluate the situation. If the Coroner determines that remains may be Native American, the California Native American Heritage Commission shall be notified within 24 hours of this identification to arrange at its discretion for qualified Native American or equivalent participation in determining the disposition of such remains.

G. AGREEMENT BY PROJECT SPONSOR

Project Sponsor, acting on behalf of all present and future property owners and Permittees, understands the mitigation measures set forth above and agrees to be bound by them if they are adopted as a result of project approval. Monitoring reports shall be provided to the Planning Director and Director of Public Works at appropriate stages in the development process.

Project Sponsor's Signature

Oct 6, 2015
Date

Gerald V. Beemiller, owner
Project Sponsor's Printed Name and Title

Attachment A: Biological Impacts Assessment

Bumgardner Biological Consulting
11571 Prospect Hill Drive
Gold River, CA 95670

This is a brief summary of the results of the 2015 protocol surveys for California tiger salamander (CTS) (*Ambystoma californiense*) and California red-legged frog (*Rana draytonii*) at the Nella Terra Cellars project site in Sunol, California. I conducted the surveys consistent with standard protocol for aquatic surveys for the two species (i.e., *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander* October 2003 and *Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog* August 2005). There is only a single pond on the project site that provides potentially suitable habitat for these species. Hence, all surveys for the project were conducted in the pond. No terrestrial surveys (e.g., drift fence surveys) were conducted.

No CTS were found during the protocol surveys. It should be noted that the surveys were started late given late notice to proceed from the land owner. As such, the minimum three surveys to support a finding of absence were not conducted during March to May with a minimum of one survey each month (as is typically required). Two surveys were conducted in April and a single survey was conducted in May. However, this deviation from protocol would not have resulted in a false negative result for the surveys given that the hydrology of the pond is artificially maintained by the land owner and the pond no longer seasonally dries down. Furthermore, authorization for the late start for the surveys was provided by David Kelly (Recovery Permits Coordinator for the Sacramento Field Office of the U.S. Fish and Wildlife Service). Lastly, it should be noted that there is a substantial population of warm-water fishes in the pond that likely precludes successful breeding and recruitment by CTS. Numerous bluegill (*Lepomis macrochirus*) and an unidentified cyprinid (possibly flathead minnow (*Pimephales promelas*) were captured during the surveys.

No CRLF were found during the protocol surveys. These surveys have not yet been completed as a day and night survey during the non-breeding season is still pending (i.e., cannot be conducted until July). However, all six breeding season surveys have been conducted (2 day and 4 night surveys). The presence of warm-water fishes also likely precludes the presence of CRLF. The only amphibian that was found in the pond during the surveys was Pacific treefrog (*Hyla regilla*). Numerous adults were heard calling (mostly advertisement calls) during the surveys, but very few larvae were found. Those larvae that were found were consistently in very shallow water and dense submergent vegetation along the periphery of the pond (i.e., where they would be less subject to predation by fishes).

The data from the surveys therefore supports a finding of absence for these species. In addition, though both species are known from various other locations within the Sheridan Valley region, there is a plausible explanation for the absence of these species in the pond at the Nella Terra Cellars project site (i.e., presence of warm-water fishes). Should you have any questions in regards to these findings, do not hesitate to contact me.

Attachment B: Northwest Information Center Records Search Results

CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEM

ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE
HUMBOLDT
LAKE
MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO
SAN FRANCISCO
SAN MATEO
SANTA CLATA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
http://www.sonoma.edu/nwic

May 13th, 2015

NWIC File No.: 14-1573

Nathaniel Taylor
Lamphier-Gregory
1944 Embarcadero
Oakland, CA 94606

Re: Record search results for the proposed 5005 Sheridan Road Project

Dear Mr. Taylor,

Per your request received by our office on May 12th, 2015, a records search was conducted for the above referenced project by reviewing pertinent Northwest Information Center (NWIC) base maps that reference cultural resources records and reports, historic-period maps, and literature for Alameda County. Please note that use of the term cultural resources includes both archaeological resources and historical buildings and/or structures.

Review of this information indicates that there have been no cultural resource studies of the 5005 Sheridan Road project area. This project area contains no recorded archaeological resources. The State Office of Historic Preservation Historic Property Directory (OHP HPD) (which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places) lists no recorded buildings or structures within or adjacent to the proposed project area. In addition to these inventories, the NWIC base maps show no recorded buildings or structures within the proposed project area.

At the time of Euroamerican contact the Native Americans that lived in the area were speakers of the Chochenyo Coastanoan/Ohlone language, part of the Utian language family (Levy 1978:485). There are no Native American resources in or adjacent to the proposed project area referenced in the ethnographic literature.

Based on an evaluation of the environmental setting and features associated with known sites, Native American resources in this part of Alameda County have been found on the banks and mid-slope terraces above seasonal and perennial waterways, at foothill to valley interfaces and within Holocene age landforms. The 5005 Sheridan Road project area lies on a mid-slope terrace near a tributary of Sheridan Creek and is composed geologically of Pre-Quaternary deposits and bedrock. Given the dissimilarity of one or

more of these environmental factors, there is a low potential of identifying unrecorded Native American resources in the proposed 5005 Sheridan Road project area.

Review of historical literature and maps gave no indication of historic-period activity within the 5005 Sheridan Road project area. With this in mind, there is a low potential of identifying unrecorded historic-period archaeological resources in the proposed 5005 Sheridan Road project area.

The 1906 and 1942 Livermore USGS 15-minute topographic quadrangle fails to depict any buildings or structures within the 5005 Sheridan Road project area; therefore, there is a low possibility of identifying any buildings or structures 45 years or older within the project area.

RECOMMENDATIONS:

1) There is a low possibility of identifying Native American and historic-period archaeological resources and further study is not recommended at this time.

2) If archaeological resources are encountered **during construction,** work should be temporarily halted in the vicinity of the discovered materials and workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.

3) We recommend you contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at 916/373-3710.

4) If the proposed project area contains buildings or structures that meet the minimum age requirement, prior to commencement of project activities, it is recommended that this resource be assessed by a professional familiar with the architecture and history of Alameda County. Please refer to the list of consultants who meet the Secretary of Interior's Standards at http://www.chrisinfo.org.

5) Review for possible historic-period buildings or structures has included only those sources listed in the attached bibliography and should not be considered comprehensive.

6) It is recommended that any identified cultural resources be recorded on DPR 523 historic resource recordation forms, available online from the Office of Historic Preservation's website: http://ohp.parks.ca.gov/default.asp?page_id=1069

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

Thank you for using our services. Please contact this office if you have any questions, (707) 588-8455.

Sincerely,

Lacey Klopp

Lacey Klopp
Researcher

LITERATURE REVIEWED

In addition to archaeological maps and site records on file at the Historical Resources Information System, Northwest Information Center, the following literature was reviewed:

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Works Progress Administration
1984 *The WPA Guide to California*. Reprint by Pantheon Books, New York. (Originally published as California: A Guide to the Golden State in 1939 by Books, Inc., distributed by Hastings House Publishers, New York.)

**Note that the Office of Historic Preservation's *Historic Properties Directory* includes National Register, State Registered Landmarks, California Points of Historical Interest, and the California Register of Historical Resources as well as Certified Local Government surveys that have undergone Section 106 review.

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # _____

Project Title: Nella Terra Cellars Project

Lead Agency: Alameda County CDA | Contact Person: Damien Curry

Mailing Address: 224 W. Winton Ave Rm 111 | Phone: (510)-670-6684

City: Hayward, California | Zip: 94544 | County: Alameda

Project Location: County: Alameda | City/Nearest Community: Sunol

Cross Streets: Interstate 680 | Zip Code: 94550

Lat. / Long.: 37°32′54.7" N -121°53′51.9" W | Total Acres: 100

Assessor's Parcel No.: 96-1-2-20

Section: N/A | Twp.: N/A | Range: N/A | Base: N/A

Within 2 Miles: State Hwy #: I-680 | Waterways: Sheridan Creek/Pirate Creek

Airports: None | Railways: None | Schools: None

Document Type:

CEQA:
- ☐ NOP
- ☐ Early Cons
- ☐ Neg Dec
- ☒ Mit Neg Dec
- ☐ Draft EIR
- ☐ Supplement/Subsequent EIR (Prior SCH No.) _____
- Other _____

NEPA:
- ☐ NOI
- ☐ EA
- ☐ Draft EIS
- ☐ FONSI

Other:
- ☐ Joint Document
- ☐ Final Document
- ☐ Other _____

Local Action Type:

- ☐ General Plan Update
- ☐ General Plan Amendment
- ☐ General Plan Element
- ☐ Community Plan
- ☐ Specific Plan
- ☐ Master Plan
- ☐ Planned Unit Development
- ☐ Site Plan
- ☐ Rezone
- ☐ Prezone
- ☒ Use Permit
- ☐ Land Division (Subdivision, etc.)
- ☐ Annexation
- ☐ Redevelopment
- ☐ Coastal Permit
- ☐ Other _____

Development Type:

- ☐ Residential: Units _____ Acres _____
- ☐ Office: Sq.ft. _____ Acres _____ Employees _____
- ☒ Commercial: Sq.ft. 7,000 Acres _____ Employees 0
- ☐ Industrial: Sq.ft. _____ Acres _____ Employees _____
- ☐ Educational _____
- ☐ Recreational _____
- ☐ Water Facilities: Type _____ MGD _____
- ☐ Transportation: Type _____
- ☐ Mining: Mineral _____
- ☐ Power: Type _____ MW _____
- ☐ Waste Treatment: Type _____ MGD _____
- ☐ Hazardous Waste: Type _____
- ☐ Other: _____

Project Issues Discussed in Document:

- ☐ Aesthetic/Visual
- ☐ Agricultural Land
- ☒ Air Quality
- ☒ Archeological/Historical
- ☐ Biological Resources
- ☐ Coastal Zone
- ☐ Drainage/Absorption
- ☐ Economic/Jobs
- ☐ Fiscal
- ☐ Flood Plain/Flooding
- ☐ Forest Land/Fire Hazard
- ☐ Geologic/Seismic
- ☐ Minerals
- ☐ Noise
- ☐ Population/Housing Balance
- ☒ Public Services/Facilities
- ☐ Recreation/Parks
- ☐ Schools/Universities
- ☐ Septic Systems
- ☐ Sewer Capacity
- ☐ Soil Erosion/Compaction/Grading
- ☐ Solid Waste
- ☐ Toxic/Hazardous
- ☐ Traffic/Circulation
- ☐ Vegetation
- ☐ Water Quality
- ☐ Water Supply/Groundwater
- ☐ Wetland/Riparian
- ☐ Wildlife
- ☐ Growth Inducing
- ☐ Land Use
- ☐ Cumulative Effects
- ☐ Other _____

Present Land Use/Zoning/General Plan Designation: Large Parcel Agriculture/ 'A' (Agricultural)

Project Description: Construction of a 7,000 square foot event building to replace a temporary event structure.

Note: The state Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "**X**".
If you have already sent your document to the agency please denote that with an "**S**".

X	Air Resources Board		Office of Emergency Services
	Boating & Waterways, Department of		Office of Historic Preservation
	California Highway Patrol		Office of Public School Construction
	CalFire		Parks & Recreation
	Caltrans District # 4		Pesticide Regulation, Department of
	Caltrans Division of Aeronautics		Public Utilities Commission
	Caltrans Planning (Headquarters)		Regional WQCB # 2
	Central Valley Flood Protection Board		Resources Agency
	Coachella Valley Mountains Conservancy		S.F. Bay Conservation & Development Commission
	Coastal Commission		San Gabriel & Lower L.A. Rivers and Mtns Conservancy
	Colorado River Board		San Joaquin River Conservancy
	Conservation, Department of		Santa Monica Mountains Conservancy
	Corrections, Department of		State Lands Commission
	Delta Protection Commission		SWRCB: Clean Water Grants
	Education, Department of		SWRCB: Water Quality
	Energy Commission		SWRCB: Water Rights
	Fish & Game Region # 10		Tahoe Regional Planning Agency
	Food & Agriculture, Department of		Toxic Substances Control, Department of
	General Services, Department of		Water Resources, Department of
	Health Services, Department of		
	Housing & Community Development	X	Other BAAQMD
	Integrated Waste Management Board/CalRecycle		Other
X	Native American Heritage Commission		

Local Public Review Period (to be filled in by lead agency)

Starting Date: October 12, 2015 Ending Date: November 13, 2015

Lead Agency (Complete if applicable):

Consulting Firm: Lamphier - Gregory
Address: 1944 Embarcadero
City/State/Zip: Oakland CA 94606
Contact: Nat Taylor
Phone: (510) 535-6674

Applicant: Gerald Beemiller
Address: 5003 Sheridan Road
City/State/Zip: Sunol, CA 94586
Phone: (925)487-3442

Signature of Lead Agency Representative: **Date:** October 8, 2015

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

ALAMEDA COUNTY
Community Development Agency

NOTICE OF INTENT TO ADOPT MITIGATED NEGATIVE DECLARATION
AND
NOTICE OF PUBLIC HEARING

PROJECT NAME: NELLA TERRA CELLARS PROJECT

PROJECT APPLICANT: **Gerald Beemiller**
5005 Sheridan Road
Sunol, CA 94586

PROJECT DESCRIPTION: Conditional Use Permit, PLN2015-00145, Modifying previous Conditional Use Permit to allow for the replacement of a temporary structure with a permanent structure to house events.

PROJECT LOCATION AND ZONING:
A (Agricultural) District, located at 5005 Sheridan Road, Sunol area of unincorporated Alameda County, Assessor's Parcel Number APN: 096 -0001-002-20.

REVIEW AND COMMENTS:
Alameda County, acting as the Lead Agency under the California Environmental Quality Act (CEQA) publicly announces its intent to adopt a Mitigated Negative Declaration for the proposed modification. The Mitigated Negative Declaration, which is a written statement finding that due to project revisions agreed to by the applicant, the proposed project **will not have a significant effect upon the environment**, is proposed to be adopted pursuant to CEQA and State and County CEQA Guidelines. The Mitigated Negative Declaration and Initial Study is available for public review and comment at the Alameda County Planning office at the address below. The documents are also available online at www.acgov.org. When submitting a comment, please include the name and address of a contact person in your agency or organization. Please direct your comments to:

Damien Curry, Planner
Alameda County Planning Department
224 West Winton Avenue, Suite 111
Hayward, CA 94544
510-670-6684; Damien.Curry@acgov.org

PUBLIC HEARING:
Public Hearings for this application before the *Sunol Citizens Advisory Council* at **6:30 p.m. on Wednesday, October 21, 2015, at the Sunol Glen School, Multipurpose Room, 11601 Main St, Sunol, California,** and the *East County Board of Zoning Adjustments* at **1:30 p.m. on Thursday, December 10, 2015, at the City of Pleasanton Council Chambers 200 Old Bernal Avenue, Pleasanton, California.**