
Approved as to Form
DONNA R. ZIEGLER, County Counsel

By Heather Littlejohn, Deputy County Counsel

**THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA,
STATE OF CALIFORNIA**

On motion of Supervisor
Seconded by Supervisor

and approved by the following vote:

Ayes:

Noes:

Excused or Absent:

**THE FOLLOWING RESOLUTION WAS ADOPTED JULY 11, 2017:
NUMBER R- 2017-**

**ADOPT THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND)
PREPARED FOR THE MEDICAL CANNABIS ORDINANCE AMENDMENTS AND
RESOLUTIONS ESTABLISHING INTERIM OPERATIONS PROGRAMS FOR MEDICAL
CANNABIS DISPENSARIES AND CULTIVATION**

WHEREAS, the County of Alameda did initiate the preparation of the proposed Medical Cannabis Dispensary Ordinances (comprised of amendments to Chapter 6.108 of Title 6 and Sections 17.04.010, 17.06.040, 17.38.030, and 17.40.030 of Title 17 of the Alameda County Ordinance Code), and Cultivation Ordinances (comprised of the addition of Chapter 6.106 to Title 6 and amendments to Sections 17.04.010, 17.52.585, and 17.54.130 of Title 17 of the Alameda County Ordinance Code) (collectively, "Ordinances"); and

WHEREAS a draft Initial Study/Mitigated Negative Declaration ("IS/MND") was prepared by the County to evaluate the potential environmental impact of the Ordinances pursuant to the California Environmental Quality Act ("CEQA"). The draft IS/MND in its entirety was circulated for public review as required by CEQA for a period of 20 days, beginning March 7, 2017; and

WHEREAS subsequent to the public review period, the IS/MND that was prepared for the proposed ordinances was revised to include analysis of proposed resolutions which would establish Interim Operations Programs for Medical Cannabis Dispensaries and Cultivation; and the conclusion of this analysis is that the addition of either or both of the resolutions does not constitute a substantial revision, pursuant to Section 15073.5 of the California Environmental Quality Act (CEQA) Guidelines; and, therefore, recirculation of the IS/MND for additional public review is not required; and

WHEREAS, this Board did hold a public hearing on the Ordinances and the IS/MND at the hour of 1:00 PM on Tuesday, the eleventh day of July 2017, in the Board Chambers, County Administration Building, 1221 Oak Street, Oakland, for which notice was given as required by law and at which the Board took public testimony; and

WHEREAS, this Board has reviewed the IS/MND together with any comments received during the public review process and on the basis of the record before the Board finds that there is no substantial

evidence that the proposed Ordinances or the proposed resolutions will have a significant effect on the environment;

WHEREAS, the documents and other material which constitute the record of proceedings upon which this Board's decision is based are located at the offices of the County of Alameda's Planning Department at 224 West Winton Avenue, Hayward, California, 94544.

NOW THEREFORE BE IT RESOLVED, that this Board of Supervisors finds, on the basis of the whole record before it, that there is no substantial evidence that the proposed Ordinances or the proposed Resolutions will have a significant effect on the environment; and

BE IT FURTHER RESOLVED that this Board of Supervisors finds that an Initial Study/Mitigated Negative Declaration is the appropriate and proper environmental analysis for the proposed medical cannabis ordinance amendments and complies with the requirements of CEQA; and

BE IT FURTHER RESOLVED that this Board of Supervisors finds that the Initial Study/Mitigated Negative Declaration was duly prepared by the County of Alameda and reflects the lead agency's independent judgment and analysis; and

BE IT FURTHER RESOLVED that this Board of Supervisors does hereby adopt the Initial Study/Mitigated Negative Declaration for the Ordinances; and

BE IT FURTHER RESOLVED that this Board of Supervisors does hereby adopt the Mitigation Monitoring and Reporting Program set forth in Exhibit A to this Resolution.

BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA

THE FOREGOING was **PASSED** and **ADOPTED** by a majority vote of the Alameda County Board of Supervisors **this** eleventh day of **July, 2017** to wit:

AYES:

NOES:

EXCUSED:

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

Clerk of the Board of Supervisors

By: _____
Deputy

File: _____

Agenda No: _____

Document No: **R-2017-**_____



I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Supervisors, Alameda County, State of California

ATTEST:

Clerk of the Board of Supervisors

By: _____

Mitigation Monitoring and Reporting Program

Medical Cannabis Ordinance Amendments *County of Alameda Community Development Agency*

INTRODUCTION

The purpose of this program is to describe the mitigation monitoring process for the project and to describe the role and responsibilities of the County of Alameda's Community Development Agency (CDA) for its implementation under the California Environmental Quality Act (CEQA).

The purpose of a mitigation monitoring program is to ensure that measures adopted to mitigate or avoid significant environmental impacts are implemented. This document is prepared in compliance with CEQA Guidelines §15097. CDA views the mitigation monitoring program as a working guide to facilitate not only the implementation of mitigation measures, but also the monitoring and compliance activities of CDA and monitors it may designate.

PROJECT BACKGROUND

The Medical Cannabis Ordinance Amendments (the "Ordinance Amendments") was the subject of an Initial Study/Mitigated Negative Declaration ("IS/MND") released for public review on March 7, 2017. The IS/MND determined that the implementation of the regulations set forth in the Ordinance Amendments would have no impact or less than significant impacts requiring no mitigation in the following areas:

- Aesthetics/Visual
- Agriculture and Forest Products
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards/Hazardous Materials
- Hydrology/Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems

The IS/MND determined that mitigation measures would be required in two environmental resource areas to reduce potential impacts to a less-than-significant level. They are as follows:

- Air Quality
- Climate Change and Greenhouse Gas Emissions

The IS/MND concluded that with implementation of the mitigation measures identified in the document, all potentially significant impacts would be reduced to levels of less than significant.

ROLES AND RESPONSIBILITIES

As the lead agency under CEQA, the County of Alameda is required to monitor the project to ensure that the adopted mitigation measures are implemented effectively. The County Board of Supervisors is responsible for adopting the Mitigated Negative Declaration and the Ordinance Amendments which authorize the programs, procedures and regulations pertaining to the cultivation and dispensing of medical cannabis in the unincorporated areas of Alameda County. The Director of the County's Community Development Agency, in consultation with other County departments and agencies, will oversee and administer the permit application review and approval processes and will be responsible for verifying compliance with the mitigation measures included in the MND and the Mitigation Monitoring and Reporting Program (the "MMRP") as set forth below.

**Medical Cannabis Ordinance Amendments Project
Mitigation Monitoring and Reporting Program**

Commitments and Mitigation Measures	Timing	Implementation Responsibility	Verification	
			Monitoring Action	Monitoring Responsibility Date/Initials
<p>Air Quality</p> <p>Mitigation Measure AQ-1: Construction Period Dust Suppression – Best Management Practices</p> <p>The Project shall demonstrate compliance with the following basic construction mitigation measures or best management practices (BMPs):</p> <ol style="list-style-type: none"> All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 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. All vehicle speeds on unpaved roads shall be limited to 15 mph. 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. 	<p>During construction of the cannabis facility</p>	<p>Holders of a Conditional Use Permit for the development of a medical cannabis dispensary or cultivation operation and contractors used for the construction of the facility</p>	<p>Observation of construction work in progress</p>	<p>County CDA (Planning Director or his/her designee)</p>

**Medical Cannabis Ordinance Amendments Project
Mitigation Monitoring and Reporting Program**

Commitments and Mitigation Measures	Timing	Implementation Responsibility	Verification	
			Monitoring Action	Monitoring Responsibility Date/Initials
<p>f. 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.</p> <p>g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</p> <p>h. 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 Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>				
Climate Change and Greenhouse Gas Emissions				
<p>Mitigation Measure GHG-1: Energy and GHG Emissions Reduction</p> <p>Each applicant for a dispensary or cultivation site permit shall minimize energy usage in its cannabis production and distribution operations to the extent feasible. Applicants for a cannabis cultivation site Conditional Use Permit shall present in their application materials a quantitative estimate of annual GHG emissions that would result from the proposed cultivation facility. If</p>	<p>Present quantitative estimate of annual GHG emissions and plans and specifications for energy reduction measures (if applicable) upon</p>	<p>Project Applicant</p>	<p>Verify that a valid estimate of GHG emissions has been prepared as part of the application process; determine the level of mitigation required</p>	<p>County CDA (Planning Director or his/her designee)</p>

**Medical Cannabis Ordinance Amendments Project
Mitigation Monitoring and Reporting Program**

Commitments and Mitigation Measures		Timing	Implementation Responsibility	Monitoring Action	Monitoring Responsibility	Date/Initials
<p>the results of the analysis indicate that annual emissions would exceed the threshold of 1,100 MTCO₂/year, the applicant shall include in the plans and specifications for the facility as many of the following or other comparably effective energy reduction measures as necessary to achieve GHG emissions levels below the significance threshold level:</p> <p>a. <u>Lower Energy Lighting</u>. Technological advances in LED and other types of energy-efficient lighting for indoor agricultural use have been found capable of producing the necessary light wavelengths in the correct ratios for photosynthesis to occur at levels that can sustain high crop yields, while reducing the amount of heat generated by typical high-intensity bulbs, consuming substantially less (up to 70% less) power than high-intensity discharge bulbs.</p> <p>b. <u>Low Emission Vehicle Fleet</u>. Vehicles used for delivery of medical cannabis to qualified patients should be qualified low-emission vehicles.</p> <p>c. <u>Renewable Energy Sources</u>. Use of renewable energy sources such as photovoltaic panels or direct connections to on-site or near-site wind power turbines that would supply electrical power for lighting, heating and other energy demands of the proposed operation.</p> <p><u>Purchase of Carbon Credits</u>. If the foregoing methods or other means of reducing annual GHG emissions fail to achieve sufficient</p>		<p>submission of an application to the Community Development Agency for a Conditional Use Permit. If purchase of carbon credits is required, carbon credits must be purchased prior to the issuance of final building permit(s) or, if no building permit is required, prior to the expiration of 120 days after issuance of the Conditional Use Permit.</p>		<p>to ensure that GHG emissions will be below threshold levels. If purchase of carbon credits is required, review evidence of purchase submitted by applicant.</p>		

**Medical Cannabis Ordinance Amendments Project
Mitigation Monitoring and Reporting Program**

Commitments and Mitigation Measures	Timing	Implementation Responsibility	Verification	
			Monitoring Action	Monitoring Responsibility Date/Initials
<p>reduction to below threshold levels, the applicant shall purchase carbon credits sufficient to offset the remaining emissions above the threshold levels, through the Climate Action Reserve program, which establishes high quality standards for carbon offset projects, oversees independent third-party verification bodies, issues carbon credits generated from such projects and tracks the transaction of credits over time in a transparent, publicly-accessible system.</p>				

RESOLUTION NO. 2017-_____

A RESOLUTION AUTHORIZING THE COMMUNITY DEVELOPMENT AGENCY
DIRECTOR TO ALLOW TEMPORARY MEDICAL CANNABIS CULTIVATION
PURSUANT TO AN INTERIM OPERATIONS PROGRAM

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code section 11362.5 and titled the "Compassionate Use Act of 1996") to enable persons who are in need of cannabis for medical purposes to be able to obtain and use cannabis without fear of criminal prosecution under specified circumstances; and

WHEREAS, in 2004, Senate Bill 420 was enacted (codified as California Health and Safety Code section 11362.7 et seq. and titled the "Medical Marijuana Program Act") to clarify the scope of the Compassionate Use Act of 1996 and further providing that patients and caregivers may provide and acquire medical cannabis in a cooperative or collective manner wherein caregiver members may cultivate cannabis for the use of patient members, with costs and revenues of the cooperative or collective allocated accordingly; and

WHEREAS, in 2015, the State of California first adopted the law now titled the Medical Cannabis Regulation and Safety Act (Health and Safety Code sections 19300, et seq.) ("MCRSA"), which established a comprehensive regulatory scheme for commercial medical cannabis business and directs various state agencies to develop regulations to implement a commercial cannabis licensing program; and

WHEREAS, since 2016, with guidance from the Board of Supervisor's Transportation and Planning Committee, an interdepartmental working group of County staff has been studying cannabis issues and drafting revisions to the County's ordinances to align with the local licensing provisions of MCRSA; and

WHEREAS, generally, the ordinance revisions would: 1) increase the number of medical cannabis dispensaries allowed in the County from three to five, with no more than three located in West County and no more than two located in the East County and with new dispensary operators selected using a competitive selection process; 2) allow deliveries of medical cannabis from permitted dispensaries to patients; 3) allow medical cannabis dispensaries as a conditional use in certain Commercial zoning districts and in the Agriculture ("A") zoning district and require a Conditional Use Permit prior to beginning operation; 4) Allow up to six sites for the cultivation of medical cannabis in the A zoning district; 5) allow dispensaries in good standing in the unincorporated area to begin cultivation without being subject to a competitive selection process and select up to four additional cultivation operators using a competitive selection process; and 6) amend the zoning ordinance to allow medical cannabis cultivation as a conditional use in certain commercial districts and in the A zoning district and require a Conditional Use Permit prior to operation; and

WHEREAS, more than thirty public meetings have been held in 2016 and 2017 to review various iterations of proposed ordinance revisions; and

WHEREAS, at the April 25, 2017, Board of Supervisors meeting, the Board elected not to conduct a first reading of the draft ordinance and referred the matter back to staff for further

revision and additional public meetings; and

WHEREAS, on April 28, 2017, the California Department of Food and Agriculture (CDFA) issued draft cannabis regulations implementing MCRSA, which draft regulations are scheduled to be finalized by January 1, 2018, following public comment; and

WHEREAS, CDFA's draft regulations include a deadline of January 1, 2018 for cultivators to begin operations in order to qualify for certain treatment under the regulations, specifically, section 8104 provides that cultivators operating by that date may continue operating while their state application is pending, provided the application is submitted by a July 2, 2018 deadline; and

WHEREAS, if cannabis cultivators in Alameda County cannot take advantage of the proposed State grace period for continuing operations, legal commercial cannabis cultivation would not be able to commence in Alameda County until both the required local permits and state licenses are issued, which may not occur until 2019; and

WHEREAS, the Board of Supervisors intends to consider the adoption of modifications to the County's cannabis ordinances as soon as the drafting and public review process is completed, however, because specific terms and provisions of the revisions are not yet finalized, the ordinances are unlikely to become effective until October of 2017; and

WHEREAS, on this schedule, and given the dual permitting processes that the ordinances would require, it is also unlikely that a new cannabis cultivation operation could obtain the requisite local permits prior to January 1, 2018 in order to qualify for the grace period for continuing operations offered by the draft CDFA regulations; and

WHEREAS, the adoption of an interim operations program allowing the short-term, small-scale cultivation of medical cannabis will provide County businesses and residents the opportunity to take advantage to the proposed State grace period, while the County continues to pursue the adoption of the more comprehensive medical cannabis ordinances; and

WHEREAS, allowing medical cannabis cultivation in the County will advance the goals of the County by ensuring that medical cannabis will be available to the patients and by supporting local and emerging businesses in the County; and

WHEREAS, recent state legislation concludes that cultivation of medical cannabis raises health, safety and welfare concerns not raised by other traditional agricultural products; and

WHEREAS, the cultivation of medical cannabis is not a permitted agricultural use by right for the purposes of land use and zoning in the unincorporated area of Alameda County; and

WHEREAS, with appropriate conditions, cultivation of medical cannabis may be an appropriate conditionally permitted use in the agricultural districts and outside of the urban growth boundary established in 2000 by the voters with the adoption of Measure D; and

WHEREAS, medical cannabis cultivation possesses characteristics which require special review and appraisal in each instance to determine whether the use: is required by the public need; will be properly related to other land uses and transportation and service facilities in

the vicinity; if permitted, will under all the circumstances and conditions of the particular case, materially affect adversely the health or safety of persons residing or working in the vicinity, or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; and will be contrary to the specific intent clauses or performance standards established for the district, in which it is to be located.

WHEREAS, participants in the cultivation program would be permitted to cultivate medical cannabis through the duration of this interim operations program only and would have no right to continue cultivation beyond the expiration of this program; and

WHEREAS, the operators of the existing permitted dispensaries in the unincorporated area of Alameda County have demonstrated an ability to operate secure and responsible medical cannabis dispensary establishments and to comply with existing county and state laws concerning medical cannabis; and

WHEREAS, during the term of this interim operations program, the County will retain the authority to modify the terms, duration and requirements of the program, including the authority to cancel the program, revoke or modify permits issued, adopt a moratorium on cultivation, and take any other actions within its power to protect the health, safety and welfare of County residents; and

WHEREAS, this Resolution is adopted consistent with the Compassionate Use Act of 1996, the Medical Marijuana Program Act, and the Medical Cannabis Regulation and Safety Act, to protect the public health, safety, and welfare of residents of the County of Alameda in relation to the cultivation of medical cannabis; and

WHEREAS, this Resolution addresses the temporary cultivation of medical cannabis in the unincorporated areas of the County and does not address the cultivation of cannabis for non-medical use under Proposition 64 or otherwise; and

WHEREAS, regulation of cannabis activities is an evolving field, as evidenced by the recent adoption of the Medicinal and Adult-Use Cannabis Regulation and Safety Act, passage of Proposition 64, and the promulgation of related regulations by various state agencies. As a result, County ordinances, policies and performance standards regulating medical cannabis will also change; and

WHEREAS, nothing in this Resolution shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. §§ 801 *et seq.* or to license any activity that is prohibited under said Act except as mandated by state law; and

NOW, THEREFORE, BE IT RESOLVED THAT

A. The Board of Supervisors hereby authorizes the Director of the Community Development Agency ("Director") to allow temporary, interim medical cannabis cultivation and cultivation related activities (an Interim Operations Program) in the Agricultural ("A") zoning district if the following conditions are met:

- a. The cultivator demonstrates eligibility for participation in the Interim Operations Program by virtue of either: 1) possession of a current and valid permit to operate a medical cannabis dispensary in the unincorporated area of Alameda County; or

2) selection for participation in the program pursuant to a competitive selection process conducted by the Director.

- b. Prior to beginning operations, the cultivator obtains a conditional use permit from the Planning Department pursuant to Sections 17.54.130 and 17.54.140 of the Zoning Ordinance.
- c. The cultivator complies with all conditions imposed by the Director or the conditional use permit.
- d. The cultivator provides written certification that they have reviewed and understand and accept any performance standards for medical cannabis cultivation that may be adopted by the Director.
- e. The cultivator demonstrates to the satisfaction of the Director the ability to comply with the requirements of other applicable local and state regulations (e.g. building code, grading, fire code, waste management, water quality).
- f. The cultivator demonstrates that the cultivation operation will not cause environmental impacts beyond those evaluated in the Mitigated Negative Declaration adopted for the proposed County of Alameda medical cannabis regulations.
- g. The cultivator immediately applies for and actively pursues all required local permits and state licenses, once they become available. The Director may establish specific timeframes to implement this section.
- h. The cultivator shall only be permitted to cultivate medical cannabis for the length of time specified in the conditional use permit. The cultivator shall have no right to cultivate after the expiration of the conditional use permit.

B. Notwithstanding the above, the cultivator shall have no right to continue cultivation if this Resolution is rescinded by the Board of Supervisors, unless the Director determines that the cultivation operation is in compliance with a subsequent cultivation ordinance adopted by the Board of Supervisors. The Director may conduct such investigation and further hearing as may be required to determine that the cultivation operation remains in compliance with all County ordinances and may impose additional conditions to ensure that the cultivation operation continues to comply with County ordinances.

C. The Director may allow up to six sites for the cultivation of medical cannabis in the A zoning district.

D. The Director may establish such additional procedures, policies, performance standards and interpretations of this Resolution as may be necessary to implement the Interim Operations Program for medical cannabis cultivation.

PASSED AND ADOPTED by the Board of Supervisors of the County of Alameda at a regular meeting of the Board on the ___ day of July, 2017 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Wilma Chan, President of the Board

ATTEST:

Clerk of the Board of Supervisors
of the County of Alameda

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

BY: 

Heather M. Littlejohn
Deputy County Counsel

RESOLUTION NO. 2017-_____

A RESOLUTION AUTHORIZING THE COMMUNITY DEVELOPMENT AGENCY
DIRECTOR TO ALLOW TEMPORARY MEDICAL CANNABIS DISPENSARIES
PURSUANT TO AN INTERIM OPERATIONS PROGRAM

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code section 11362.5 and titled the "Compassionate Use Act of 1996") to enable persons who are in need of cannabis for medical purposes to be able to obtain and use cannabis without fear of criminal prosecution under specified circumstances; and

WHEREAS, in 2004, Senate Bill 420 was enacted (codified as California Health and Safety Code section 11362.7 et seq. and titled the "Medical Marijuana Program Act") to clarify the scope of the Compassionate Use Act of 1996 and further providing that patients and caregivers may provide and acquire medical cannabis in a cooperative or collective manner wherein caregiver members may cultivate cannabis for the use of patient members, with costs and revenues of the cooperative or collective allocated accordingly; and

WHEREAS, in 2015, the State of California first adopted the law now titled the Medical Cannabis Regulation and Safety Act (Health and Safety Code sections 19300, et seq.) ("MCRSA"), which established a comprehensive regulatory scheme for commercial medical cannabis business and directs various state agencies to develop regulations to implement a commercial cannabis licensing program; and

WHEREAS, since 2016, with guidance from the Board of Supervisor's Transportation and Planning Committee, an interdepartmental working group of County staff has been studying cannabis issues and drafting revisions to the County's ordinances to align with the local licensing provisions of MCRSA; and

WHEREAS, generally, the ordinance revisions would: 1) increase the number of medical cannabis dispensaries allowed in the County from three to five, with no more than three located in West County and no more than two located in the East County and with new dispensary operators selected using a competitive selection process; 2) allow deliveries of medical cannabis from permitted dispensaries to patients; 3) allow medical cannabis dispensaries as a conditional use in certain Commercial zoning districts and in the Agriculture ("A") zoning district and require a Conditional Use Permit prior to beginning operation; 4) Allow up to six sites for the cultivation of medical cannabis in the A zoning district; 5) allow dispensaries in good standing in the unincorporated area to begin cultivation without being subject to a competitive selection process and select up to four additional cultivation operators using a competitive selection process; and 6) amend the zoning ordinance to allow medical cannabis cultivation as a conditional use in certain commercial districts and in the A zoning district and require a Conditional Use Permit prior to operation; and

WHEREAS, more than thirty public meetings have been held in 2016 and 2017 to review various iterations of proposed ordinance revisions; and

WHEREAS, at the April 25, 2017, Board of Supervisors meeting, the Board elected not to conduct a first reading of the draft ordinance and referred the matter back to staff for further revision and additional public meetings; and

WHEREAS, on April 28, 2017, the State of California Bureau of Marijuana Control (Bureau) issued draft cannabis regulations implementing MCRSA, which draft regulations are scheduled to be finalized by January 1, 2018, following public comment; and

WHEREAS, the Bureau's draft regulations include a deadline of January 1, 2018 for applicants to begin operations in order to qualify for certain treatment under the regulations, specifically, section 5018 provides that applicants operating by that date may continue operating while their state application is pending, provided the application is submitted by a July 2, 2018 deadline; and

WHEREAS, if cannabis dispensaries in Alameda County cannot take advantage of the proposed State grace period for continuing operations, new legal commercial cannabis dispensaries would not be able to commence operations in Alameda County until both the required local permits and state licenses are issued, which may not occur until 2019; and

WHEREAS, the Board of Supervisors intends to consider the adoption of modifications to the County's cannabis ordinances as soon as the drafting and public review process is completed, however, because specific terms and provisions of the revisions are not yet finalized, the ordinances are unlikely to become effective until October of 2017; and

WHEREAS, on this schedule, and given the dual permitting processes that the ordinances would require, it is also unlikely that a new medical cannabis dispensary operations could obtain the requisite local permits prior to January 1, 2018 in order to qualify for the grace period for continuing operations offered by the draft Bureau regulations; and

WHEREAS, the adoption of an interim operations program allowing the short-term, dispensing of medical cannabis will provide County businesses and residents the opportunity to take advantage to the proposed State grace period, while the County continues to pursue the adoption of the more comprehensive medical cannabis ordinances; and

WHEREAS, allowing medical cannabis dispensaries in the County will advance the goals of the County by ensuring that medical cannabis will be available to the patients and by supporting local and emerging businesses in the County; and

WHEREAS, with appropriate conditions, dispensing of medical cannabis may be an appropriate conditionally permitted use in the agricultural districts and outside of the urban growth boundary established in 2000 by the voters with the adoption of Measure D; and

WHEREAS, medical cannabis dispensaries possess characteristics which require special review and appraisal in each instance to determine whether the use: is required by the public need; will be properly related to other land uses and transportation and service facilities in the vicinity; if permitted, will under all the circumstances and conditions of the particular case, materially affect adversely the health or safety of persons residing or working in the vicinity, or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; and will be contrary to the specific intent clauses or performance standards established for the district, in which it is to be located.

WHEREAS, participants in the interim dispensary program would be permitted to dispense medical cannabis through the duration of this interim operations program only and would have no right to continue dispensary operations beyond the expiration of this program; and

WHEREAS, the operators of the existing permitted dispensaries in the unincorporated area of Alameda County have demonstrated an ability to operate secure and responsible medical cannabis dispensary establishments and to comply with existing county and state laws concerning medical cannabis; and

WHEREAS, during the term of this interim operations program, the County will retain the authority to modify the terms, duration and requirements of the program, including the authority to cancel the program, revoke or modify permits issued, adopt a moratorium on dispensaries, and take any other actions within its power to protect the health, safety and welfare of County residents; and

WHEREAS, this Resolution is adopted consistent with the Compassionate Use Act of 1996, the Medical Marijuana Program Act, and the Medical Cannabis Regulation and Safety Act, to protect the public health, safety, and welfare of residents of the County of Alameda in relation to the dispensing of medical cannabis; and

WHEREAS, this Resolution addresses the temporary dispensing of medical cannabis in the unincorporated areas of the County and does not address the dispensing or sale of cannabis for non-medical use under Proposition 64 or otherwise; and

WHEREAS, regulation of cannabis activities is an evolving field, as evidenced by the recent adoption of the Medicinal and Adult-Use Cannabis Regulation and Safety Act, passage of Proposition 64, and the promulgation of related regulations by various state agencies. As a result, County ordinances, policies and performance standards regulating medical cannabis will also change; and

WHEREAS, nothing in this Resolution shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. §§ 801 *et seq.* or to license any activity that is prohibited under said Act except as mandated by state law; and

NOW, THEREFORE, BE IT RESOLVED THAT

A. The Board of Supervisors hereby authorizes the Director of the Community Development Agency (Director) to allow temporary, interim medical cannabis dispensaries (an Interim Operations Program) in the Agricultural (A), General Commercial (C-O), and Retail Business (C-1) zoning districts if the following conditions are met:

- a. The dispensary operator demonstrates eligibility for participation in the Interim Operations Program by virtue of selection for participation in the program pursuant to a competitive selection process conducted by the Director.
- b. Prior to beginning operations, the dispensary operator obtains a conditional use permit from the Planning Department pursuant to Sections 17.54.130 and 17.54.140 of the Zoning Ordinance.
- c. The dispensary operator complies with all conditions imposed by the Director or the conditional use permit.
- d. The dispensary operator provides written certification that the operator has reviewed and understands and accepts any performance standards for the

operation of the medical cannabis dispensary that may be adopted by the Director.

- e. The dispensary operator demonstrates to the satisfaction of the Director the ability to comply with the requirements of other applicable local and state regulations (e.g. building code, grading, fire code, waste management, water quality).
- f. The dispensary operator demonstrates that the dispensary and its operations will not cause environmental impacts beyond those evaluated in the Mitigated Negative Declaration adopted for the proposed County of Alameda medical cannabis regulations.
- g. The dispensary operator immediately applies for and actively pursues all required local permits and state licenses, once they become available. The Director may establish specific timeframes to implement this section.
- h. The dispensary operator shall only be permitted to dispense medical cannabis for the length of time specified in the conditional use permit. The dispensary operator shall have no right to dispense cannabis after the expiration of the conditional use permit.

B. Notwithstanding the above, the dispensary operator shall have no right to continue operation if this Resolution is rescinded by the Board of Supervisors, unless the Director determines that the operation is in compliance with a subsequent medical cannabis dispensary ordinance adopted by the Board of Supervisors. The Director may conduct such investigation and further hearing as may be required to determine that the dispensary operation remains in compliance with all County ordinances and may impose additional conditions to ensure that the dispensary operation continues to comply with County ordinances.

C. The number of medical cannabis dispensaries existing and allowed by the Director in the County may not exceed five, with no more than three located in West County and no more than two located in the East County and with new dispensary operators selected using a competitive selection process.

D. The Director may establish such additional procedures, policies, performance standards and interpretations of this Resolution as may be necessary to implement the Interim Operations Program for medical cannabis dispensaries.

PASSED AND ADOPTED by the Board of Supervisors of the County of Alameda at a regular meeting of the Board on the ____ day of July, 2017 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Wilma Chan, President of the Board

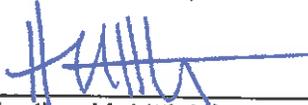
ATTEST:

Clerk of the Board of Supervisors
of the County of Alameda

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

BY:



Heather M. Littlejohn
Deputy County Counsel



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

INITIAL STUDY / DRAFT MITIGATED NEGATIVE DECLARATION

Pursuant to the California Environmental Quality Act, as amended

A. PROJECT DESCRIPTION

- 1. Project title:** Medical Cannabis Ordinance Amendments
- 2. Lead agency name & address:** Alameda County Planning Department
224 W. Winton Avenue, Room 111
Hayward, CA 94544
- 3. Contact person & phone number:** Elizabeth McElligott, Assistant Planning Director
(510) 670-5400
- 4. Project location:** All of unincorporated Alameda County
- 5. Project sponsor's name & address:** County of Alameda
- 6. General Plan designation:** See text
- 7. Zoning:** See text
- 8. Description of Project:**

Alameda County is proposing to adopt amendments to the County General Code regarding the regulation of medical cannabis uses. The project consists of the following four ordinances regulating dispensaries, deliveries, the sale of edibles, a pilot cultivation program and associated zoning:

- a. An ordinance amending Chapter 6.108 of the Alameda County General Code permitting and regulating medical cannabis dispensaries, the delivery of medical cannabis and the sales of edible medical cannabis products in the unincorporated area of Alameda County, hereinafter referred to as the "Dispensary Ordinance"
- b. An ordinance amending Title 17 Alameda County General Code to effectuate zoning changes to implement the Dispensary Ordinance, hereinafter referred to as "Dispensary Zoning"
- c. An ordinance amending Chapter 6.106 of the Alameda County General Code to implement a pilot program regulating the cultivation of medical cannabis in the unincorporated area of Alameda County, hereinafter referred to as the "Cultivation Ordinance."
- d. An ordinance amending Title 17 of the Alameda County General Code to effectuate zoning changes to implement the Cultivation Ordinance hereinafter referred to as "Cultivation Zoning."

Dispensary Ordinance and Dispensary Zoning

The existing dispensary ordinance in Chapter 6.108 of the County General Code allows a total of three dispensaries on specified parcels zoned for commercial or industrial use. Proposed changes to the dispensary requirements necessitate revisions to the existing dispensary ordinance as well as amendments to the Zoning Ordinance in Title 17 of the General Code to allow medical cannabis dispensaries as a conditional use, including as a conditional use in the "A" (Agricultural) District.

The following changes to the provisions of the existing Dispensary Ordinance are proposed:

- Increase the number of dispensaries allowed in the unincorporated area from three to five, three in the urban West County and two in the rural East County.
- Continue to allow dispensaries in commercial zoning districts, and prohibit them in residential and industrial zones.
- Allow up to two dispensaries in the "A" (Agricultural) Zoning District as a conditional agriculture-related use.
- Require selection of new dispensaries through a "Request for Proposals" (RFP) process, and require each selected facility to obtain a Conditional Use Permit from the Planning Department before beginning operation.
- Provide appropriate regulation for each license.
- Require compliance with anticipated state regulations to implement the State Medical Cannabis Regulation and Safety Act (MCRSA) and augmenting the state regulations as necessary.
- Allow for the delivery of medical cannabis to patients, from permitted "brick-and-mortar" dispensaries located within the unincorporated area and in other jurisdictions.
- Allow the sale of edibles at permitted dispensaries if produced in a commercial facility (that does not produce food items) constructed in accordance with applicable building standards and health and safety standards as opposed to private home kitchens.

The following Dispensary Zoning amendments are proposed to implement the Dispensary Ordinance:

- Require dispensaries to obtain a Conditional Use Permit
- Continue to allow dispensaries in commercial zoning districts, and prohibit them in residential and industrial zones.
- Allow dispensaries in the "A" (Agricultural) Zoning District as a conditional agriculture-related use.
- Require a 1000-foot setback between dispensaries and sensitive receptors.

Cultivation Ordinance and Cultivation Zoning

The cultivation ordinance would establish a medical cannabis cultivation pilot program that would allow existing dispensaries that have been operating in good standing for at least one year to establish medical

cannabis cultivation sites, and allow an additional two cultivation sites to be selected through a “Request for Proposals” (RFP) process. Implementation of the cultivation pilot program will require revisions to Title 6 of the County General Code to establish requirements for the program, as well as amendments to the Zoning Ordinance in Title 17 to allow the cultivation of medical cannabis as a conditional use in the “A” (Agricultural) District.

The following provisions of the Cultivation Ordinance are proposed to implement the cultivation pilot program:

- The county shall have in effect no more than four cultivation permits throughout the duration of the pilot program.
- Limit the duration of the pilot to two years.
- Allow medical cannabis cultivation as a conditional use only in the “A” (Agricultural) Zoning District and only for up to four sites.
- Allow cultivation to occur only within an enclosed structure such as a greenhouse and limit the size of the cultivation canopy to a maximum of 22,000 square feet.
- Require each cultivation site to obtain a Conditional Use Permit subject to compliance with adopted performance standards before beginning operation.
- Require a 1000-foot buffer between cultivation sites and sensitive receptors.
- Allow the Director of the Community Development Agency (“Director) to adopt Performance Standards applicable to cultivation uses, such as limitations on the emission of nighttime light and glare, noise, water use, solid and liquid wastes, wastewater and many other procedural aspects of a cultivation operation.

The following Cultivation Zoning amendments are proposed to implement the cultivation pilot program:

- Require each cultivation site to obtain a Conditional Use Permit subject to compliance with adopted performance standards before beginning operation.
- Require each cultivation site to obtain a Title 6 cultivation license.
- Allow medical cannabis cultivation as a conditional use only in the “A” (Agricultural) Zoning District
- Require a 1000-foot setback between cultivation sites and sensitive receptors.

Collectively, these four ordinances as amended and the Performance Standards are referred to herein as the “Project.”

9. Revisions to the Project Description

Subsequent to the publication of the Initial Study in early March 2017, deliberations by the Alameda County Board of Supervisors, in its initial consideration of the proposed Ordinance Amendments, and in response to input received from the public, have resulted in further proposed changes to the Ordinance Amendments. The Initial Study/MND that was subjected to a 30-day public review needs to be revised to

include an assessment of the potential environmental effects of the additional Ordinance Amendments as proposed. The additional proposed changes to the Ordinance Amendments that have potential relevance to CEQA are:

- 1) a provision in Section 6.106.010 that clarifies that cultivation sites would also allow the use of cannabis nurseries, as defined;
- 2) definitions added to Section 6.106.010 that distinguish “indoor cannabis cultivation” from “mixed-light cannabis cultivation, where the former involves an enclosed structure using artificial light at levels of 25 watts per square foot or more such as a barn or warehouse and the latter involves the use of a greenhouse or translucent ‘hoop’ structure that relies more on sunlight and lower levels of artificial light (i.e., below 25 watts per square foot);
- 3) a revision to Section 6.106.030 that would raise the maximum number of cultivation permits from 4 to 6, of which two are to be for indoor cannabis operations and 4 for mixed-light cannabis cultivation operations.

In addition to the foregoing, the Board of Supervisors is considering adoption of an Interim Resolution for the purpose of advancing the date on which the Ordinance Amendments would take effect.

10. Setting and Surrounding Land Uses:

Alameda County is over 821 square miles in size and is bordered to the west by San Francisco Bay, to the North by Contra Costa County, to the South by Santa Clara County, and to the east by San Joaquin County. Within the County's borders lie 14 incorporated cities: Albany, Berkeley, Emeryville, Oakland, Piedmont, Alameda, San Leandro, Hayward, Union City, Newark, Fremont, Dublin, Pleasanton and Livermore. Unincorporated areas of Alameda County include the communities of San Lorenzo, Ashland, Cherryland and Castro Valley (herein referred to as “West County”); unincorporated areas in East County are primarily the open space and agricultural areas north of Interstate 580 (I-580) near Pleasanton and Livermore and the area east of Livermore extending to the San Joaquin county line. The Project would only apply within the aforementioned unincorporated areas. These areas contain a large variety of built and natural settings including farmland, extensive open space, the 0.5 miles of shoreline on San Francisco Bay at the west edge of San Lorenzo, and residential, commercial, and industrial developments.

Baseline Conditions:

The County’s General Code currently includes provisions that regulate the dispensing of medical cannabis. The existing provisions were enacted in 2005. Pursuant to the current ordinance the unincorporated County has two currently licensed medical cannabis dispensaries, but has no licensed cannabis cultivation sites. The proposed amendments clarify and expand the existing provisions, creating a more carefully articulated regulatory structure relating to the licensing and operation of cannabis dispensaries and the delivery of cannabis products and establish a limited pilot cultivation program.

11. Other Public Agencies whose Approval may be Required:

Adoption and implementation of the proposed Ordinance Amendments does not require the approval of any other governmental agency. However, pursuant to the State Medical Cannabis Regulation and Safety Act and Proposition 64, the Bureau of Marijuana Control within the Department of Consumer Affairs has

been created to administer and enforce the provisions of the new State laws. Various State agencies have been given responsibilities under the law including the Board of Equalization, Department of Food and Agriculture, The Department of Fish and Wildlife, the State Department of Public Health, the State Water Resources Control Board, and the Department of Pesticide Regulation. Each of these agencies is responsible for promulgating rules for and/or reporting information regarding the issuance of State licenses for commercial cannabis activities in California. Interaction between the County and some or all of these other agencies during the administration and enforcement of the Ordinance Amendments may be required.

Other State and local agencies may be involved in the County's permitting process. Each Conditional Use Permit will be subject to the California Environmental Quality Act (CEQA). The permitting process and CEQA review may include consultation with responsible agencies. Some projects may also require permitting from other jurisdictions based on relevant laws and regulations applicable at the time of review.

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.

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

C. LEAD AGENCY DETERMINATION

The Lead Agency has considered the findings of the Initial Study, as originally prepared, which was circulated for public review, and has considered the potential environmental effects of the more recent proposed revisions to the Project Description as set forth in Section A (9) above, including the potential adoption by the Board of Supervisors of an Interim Resolution that would advance the date on which the Ordinance Amendments would become effective. The Lead Agency has determined that no aspect of the recent proposed revisions to the Project Description, including the adoption of an Interim Resolution, change the findings of the original Initial Study and consequently do not require recirculation for additional public review.

On the basis of this 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 (EIR)** 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:

Date:

Elizabeth McElligott

Assistant Planning Director

Name

Title

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 quality, 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.

Each question in the Checklist requires a “yes” or “no” reply as to whether or not the project will have a potentially significant environmental impact, with citations, information and/or discussion that supports that determination. Each possible answer to the questions in the Checklist is discussed below:

- **Potentially Significant Impact:** Checked if the existing setting (including relevant regulations or policies pertaining to the subject), and/or project characteristics 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.
- **Less than Significant With Mitigation:** Checked if existing conditions and/or specific project characteristics (supported with citations of relevant research or documents) will, or are likely to have physical environmental impacts that will exceed given thresholds or criteria by which significance is determined, but that with the implementation of clearly defined mitigation measures, such impacts will be avoided or reduced to less-than-significant levels.
- **Less than Significant Impact:** Checked if existing conditions and/or specific project features demonstrate that, while some effects may be discernible, the effect would not exceed a threshold of significance which has been established by the County or a Responsible Agency. The discussion may note that, due to the evidence that a given impact would be less than significant, no mitigation measures are required.
- **No Impact:** Checked if brief statements or cited reference materials clearly show that the impact could not be reasonably expected to occur due to the specific characteristics of the project or its location. Referenced sources or information may also show that the impact simply does not apply to the project.

The answers to all Checklist questions take account the whole action involved in the project, including off-site as well as on-site effects, cumulative and project-level impacts, indirect and direct effects, and construction as well as operational impacts. Except when a No Impact or Less than Significant Impact reply is indicated, the discussion of each issue also identifies:

- a. The significance criteria or threshold used to evaluate the impact; and
- b. The mitigation measure identified to reduce the impact to less than significant, with sufficient description to briefly explain how the mitigation measure reduces the effect to a less than significant level.

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?				<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		<input checked="" type="checkbox"/>		

1a, b, & c): No Impact. The project would have no effect on scenic vistas, scenic resources, or the visual character or quality of a site or its surroundings.

Dispensary locations would only be located within a structure legally established pursuant to Alameda County Code (including all applicable Conditional Use Permit and design review criteria, as applicable), and would only be allowed in areas currently zoned for commercial or agricultural uses. Buildings containing dispensaries would be similar to other commercial buildings permitted in the districts in their aesthetic design and character.

The six cultivation sites that would be allowed under the pilot program would only be permitted within areas zoned for agricultural use and only within either an indoor cannabis cultivation structure such as a barn or warehouse or within a mixed-light cannabis cultivation structure such as a greenhouse or ‘hoop structure. The pilot program would limit the size of the cultivation canopy to a maximum of 22,000 square feet. The cultivation sites would be similar in nature to other agricultural uses already allowed, or allowed with permits, in the Agricultural zone.

1d): Less than Significant. Indoor and mixed-light cannabis cultivation will involve use of artificial lighting to aid in the cultivation process. Indoor lighting could be seen from the exterior of a greenhouse, and could potentially be the source of substantial light which could adversely affect nighttime views. However, the Performance Standards associated with the issuance of a cultivation permit include the following restrictions on lighting:

“Lighting. Permittees using artificial lighting shall shield structures, including greenhouses, so that little to no light escapes. Light shall not escape at a level that is

visible from neighboring properties between sunset and sunrise. Lighting that is visible from the exterior of the cultivation area is prohibited, except such lighting as is reasonably utilized for the security of the premises.”¹

Security needs will likely include outdoor lighting at various entry points to the area containing cannabis operations, including dispensaries and cultivation sites. Exterior lighting improvements will be subject to the County's existing lighting criteria and policies that require directed lighting to illuminate only the area intended.² With these policies and performance standards applied, the project will have a less than significant impact on light and glare.

¹ Attachment 6, Performance Standards and Standard Conditions for Pilot Program Cultivation Sites.

² Castro Valley General Plan Policy 113A; East County Area Plan Policy 115 and Program 64; San Lorenzo Village Specific Plan Land Use Regulation V.A.3.a.

2. AGRICULTURE AND FOREST RESOURCES

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?				<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?				<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				<input checked="" type="checkbox"/>

2a, b, e): No Impact. The limited cannabis cultivation that would be allowed under the Pilot Program as proposed in the Ordinance Amendments would permit only up to six cultivation sites, and only on sites designated for agricultural use. The MCRSA designates medical cannabis cultivation as an agricultural use for the purposes of MCRSA. The County has determined that cannabis cultivation bears some similarities to traditional agriculture, but does not fit squarely within the definition of agriculture for the purposes of zoning or local permitting due to specific concerns not associated with traditional agriculture, in particular, safety concerns. For this potential impact, cannabis cultivation is compatible with agricultural and forest resources and the resulting use of agricultural lands for cultivation purposes would not result in the loss or conversion of farmland to non-agricultural use.

With respect to the dispensaries that could be allowed within an agriculturally zoned district, such uses would be considered “agriculture enhancing commercial uses” and “visitor-serving commercial uses” that are permitted in the agricultural district pursuant to Measure D, and thus would not conflict with agricultural zoning in the County. All other dispensaries would be required to be located in areas zoned

for commercial use and would not convert farmlands to non-agricultural use. No aspect of the proposed Ordinance Amendments or pilot program would conflict with agriculturally designated lands or Williamson Act contracts.

2c and d): No Impact. No forest lands are located within or adjacent to locations where the project could affect land use. The project would not involve any direct loss of forest land or lands currently under timber preserve. Thus, no impacts on agriculture or forestry resources would occur. Unpermitted cultivation operations often do occur in forest lands, causing negative impacts. However, the Ordinance Amendments would prohibit such unpermitted uses and enable location of cannabis operations in zones that would not impact forest resources.

3. AIR QUALITY

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?				<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>			
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)?			<input checked="" type="checkbox"/>	
d) Expose sensitive receptors to substantial pollutant concentrations?			<input checked="" type="checkbox"/>	
e) Create objectionable odors affecting a substantial number of people?				<input checked="" type="checkbox"/>

3a) No Impact. Conflicts would be significant if the project would conflict with or obstruct implementation of the Bay Area Air Quality Management District’s (Air District) 2010 Clean Air Plan. Since most of the 2010 Clean Air Plan’s control measures are targeted to area-wide improvements, large stationary source reductions or large employers, those measures are not applicable to the project, and the project would not impede their implementation. Furthermore, a project that is consistent with development assumptions included within a jurisdiction’s General Plan which was considered in the development of the Clean Air Plan will not cause an obstruction to the implementation of the 2010 Clean Air Plan. The minor increase in commercial dispensaries and cultivation sites would not represent an increase in development beyond that anticipated under the County General Plan, and therefore would not interfere with implementation of the 2010 Clean Air Plan. There would be no impact due to a potential conflict with the Clean Air Plan.

3b): Less than Significant Impact with Mitigation

Construction Effects. The maximum construction activity that could occur pursuant to the project is construction of five (5) new dispensaries (with a total of three (3) in the West County and two in the East County), and a maximum of six (6) cultivation sites that would function within structures (either an “indoor cannabis cultivation” facility such as a barn or warehouse, or a “mixed light cannabis

cultivation facility such as a greenhouse or “hoop” structure) and would be permitted only in agriculturally designated areas in East County. Applications for a new dispensary or a cultivation permit must follow the County’s Conditional Use Permit procedures, pursuant to Chapter 17 of the County Code. As a condition of any new construction that requires discretionary approval (such as a CUP), it is standard practice for the County to include the following mitigation as a standard condition of approval:

Mitigation Measure AQ-1: Construction-Period Dust Suppression - Best Management Practices.

The Project shall demonstrate compliance with the following basic construction mitigation measures or best management practices (BMPs):

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. 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.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. 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.
- f. 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.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.
- h. 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 Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

With implementation of these standard BMPs for construction activity, new construction pursuant to the project would be regulated in a manner that is protective of the health of nearby residences, and would reduce dust emissions that could affect regional air quality. The project’s construction-period air quality effects would be reduced to less than significant.

3c and d): Less than Significant.

Operational Effects: Significance thresholds used by Alameda County for air quality impacts are those adopted by the Air District in its 2011 CEQA Guidelines. The applicable thresholds for operational-related air quality effects indicate a project’s emissions would be considered significant if they were to exceed 54 lbs/day of ROG, 54 lbs/day of NOX, 82 lbs/day of PM10, and/or 54 lbs/day of PM2.5. The Air District’s 2011 CEQA Guidelines include substantial evidence substantiating operational screening levels

for criteria air pollutants. These screening levels provide a conservative indication of whether a project could result in potentially significant air quality impacts related to emission of criteria air pollutants during operation. If a proposed project does not exceed the screening levels, then criteria air pollutant emissions are considered to be less than significant. For dispensaries, the most similar land use type for screening of operational criteria pollutant emissions is a pharmacy or a drugstore, with or without a drive through. The screening size threshold for such a land use is 48,000 to 49,000 square feet depending on whether it includes a drive-through. The actual size of any future dispensary facility permitted under the project is not specified, but it is very unlikely that any dispensary permitted under the project would exceed this screening size. Any dispensary facility that would be less than 48,000 square feet in size would not be expected to generate significant criteria air pollutant emissions.

An additional operational aspect of the dispensary operations is the delivery of medical cannabis or medical cannabis products from a dispensary to a primary caregiver, a qualified patient or a testing laboratory. The number of any such deliveries is not specified in the project, nor can the number of deliveries and associated vehicle miles travelled be estimated with any certainty. However, vehicle emissions associated with delivery of medical cannabis would be no different than delivery of any other commercially delivered product, and no existing regulations for delivery-related emissions are placed on other commercial delivery operations. It is also reasonable to assume that each delivery trip is equivalent to the reverse of a patient pick-up trip, which is otherwise accounted for under the screening size criteria. Delivery-based emissions, combined with other operational emissions of a dispensary, would not be expected to result in more than 54 lbs/day of ROG, 54 lbs/day of NOX, 82 lbs/day of PM10, and/or 54 lbs/day of PM2.5.

There are no identified criteria pollutant emission sources associated with cultivation sites as indicated under the project, other than minor amounts of employee trips to and from the site. As to other types of potential air quality pollutants, the Performance Standards and Standard Conditions for pilot program cultivation sites indicates the following:

All planting, growing, harvesting, drying, curing, grading, or trimming of cannabis must occur within the interior of an enclosed structure, such as a barn, warehouse, greenhouse or hoop structure.

Additionally, Section 17.52.585 of the draft cultivation ordinance states that no Conditional Use Permit for cultivation shall be issued unless the Board of Zoning Adjustments finds that:

Any dust, dirt or particulate matter shall not be discharged into the air from any activity or from any products stored on the site.

With containment of agricultural practices associated with cannabis cultivation within a structure, cultivation sites would not be indicated as significant air quality emission sources.

3e): No Impact. Provisions included within the proposed Code Amendments and the performance standards associated with the pilot program would prevent cultivation activities from emitting odorous gases or odorous matter in quantities that would be perceptible outside the cultivation site. These provisions include:

“The County’s draft medical cannabis dispensary and cultivation ordinances both require applicants to demonstrate that adequate measures will be implemented to control any odors that may emanate from the facility. Section 6.108.060.A.16 of the draft dispensary ordinance and Section 6.106.060.A.16 of the draft cultivation ordinance require that an applicant provide a description of the methods by which the applicant will mitigate any potentially adverse impacts, such as loitering, odors or noise, on surrounding property owners. The dispensary shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the dispensary is not detected outside the building in which it operates, on adjacent public rights-of-way, or within other units located within the same building as the dispensary if it occupies only a portion of the building.”

Section 17.52.585 of the draft cultivation ordinance states that no Conditional Use Permit for cultivation shall be issued unless the Board of Zoning Adjustments finds that:

“C. Odorous gases or odorous matter shall not be emitted in quantities such as to be perceptible outside of the cultivation site;”

With implementation of these provisions, impacts related to odorous emissions would be 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?			<input checked="" type="checkbox"/>	
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?			<input checked="" type="checkbox"/>	
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?			<input checked="" type="checkbox"/>	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			<input checked="" type="checkbox"/>	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			<input checked="" type="checkbox"/>	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				<input checked="" type="checkbox"/>
g) Result in conversion of oak woodlands that will have a significant effect on the environment?				<input checked="" type="checkbox"/>

4a, b, c, d and e): Less than Significant

The project's Ordinance Amendments would enable the establishment of up to three dispensaries (either using existing buildings or constructing new buildings) within commercial zoning districts in urbanized West County areas and two in the agricultural East County area. Dispensaries located in the urbanized West County are unlikely to involve sites containing sensitive biological resources. Proposed dispensaries

and cultivation operations for sites in the agricultural East County would have a higher potential for impacts to sensitive biological resources.

Establishment of dispensaries and cultivation operations would involve an application process leading to the issuance by the County of a Conditional Use Permit which, among other things, would be subject to project-specific environmental review pursuant to CEQA and would be conditioned upon compliance with all applicable federal and state statutes, regulations and requirements, including but not limited to:

- a. the federal Endangered Species Act that prohibits killing, harming, or otherwise “taking” listed animal species;
- b. the federal Migratory Bird Treaty Act that prohibits killing, possessing, or trading of migratory birds except in accordance with regulations, including protection of active nests from destruction and all nests of species protected by the MBTA, whether active or not;
- c. the federal Clean Water Act that includes programs addressing both point-source and nonpoint-source pollution, inclusive of Section 404 and Section 401 requirements for the discharge of dredged and fill material into waters of the United States;
- d. the California Endangered Species Act (Fish and Game Code of California, Chapter 1.5, Sections 2050-2116), which prohibits the take of any plant or animal listed or proposed for listing as rare (plants only), threatened, or endangered;
- e. The California Fish and Game Code, which includes regulations governing the use of, or impacts to, many of the state’s fish, wildlife, and sensitive habitats including rivers, streams and lakes;
- f. The Porter-Cologne Water Quality Control Act, including its authorization of the SWRCB to issue CWA certifications for projects that would discharge to state waters and the RWQCB authority over any fill activities within state waters, including isolated waters or wetlands that may be outside the jurisdiction of the USACE.
- g. the Alameda County Tree Ordinance, as amended, being Chapter 12.11 of Title 12 of the Alameda County General Ordinance Code, which applies to trees within the public right-of-way), and
- h. any applicable policies, principles or guidelines intended to protect and preserve important environmental resources and significant natural features as included in County Area Plans, Master Plans or Specific Plans.

The project’s proposed development standards also restrict cultivation of medical cannabis to indoor structures such as a barn, warehouse, greenhouse or hoop structure, reducing the need for security fencing that might otherwise restrict animal movement.

Any future development of new structures or reuse of existing structures pursuant to the project would be individually evaluated against biological resource criteria at each location, based on the regulatory requirements listed above. With effective implementation of these existing regulations, the project will not result in impacts to special status species, riparian habitats, other sensitive natural communities, federally protected wetlands, or native resident or migratory wildlife corridors. The County’s permit application and review process is sufficiently rigorous to ensure against impacts to protected resources.

4f): No Impact. Project implementation will not conflict with any local policies or ordinances protecting biological resources or 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 Ordinance Amendments include provisions for establishing medical cannabis dispensaries within the unincorporated areas of Alameda County, including the West County areas (San Lorenzo, Ashland, Cherryland and Castro Valley) and East County. Development within these areas is governed by the applicable elements of the Alameda County General Plan and Specific Plans (including the Eden Area Plan, the Castro Valley General Plan the East County Area Plan, the Fairview Area Specific Plan and other area Specific Plans), the Alameda County Zoning Ordinance (Title 17), and the Alameda County General Ordinance Code. These governing documents contain goals and policies that call for the conservation and protection of listed species and critical habitats resulting in guiding development to avoid, minimize or mitigate impacts to biological resources. Any new uses established pursuant to the proposed Ordinance Amendments would be subject to the applicable goals, policies, and regulations for the protection and conservation of biological resources

4g): No Impact. There are no HCPs in Alameda County and therefore there is no potential for cannabis operations, whether dispensaries, distribution or cultivation, to conflict with the provisions of an HCP. (Source: <http://ecos.fws.gov/ecp0/conservationPlan/region?region=8&type=HCP>)

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?		<input checked="" type="checkbox"/>		
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?		<input checked="" type="checkbox"/>		

5a and b): Less than Significant with Mitigation. There is a growing body of research being conducted, principally within states that have legalized the production of cannabis, as to the energy demands associated with indoor cannabis production. As with many types of early research efforts, the results can be used by advocates for or against a particular position on the issue, and must be weighed carefully to reach objective and independent conclusions. One of the more fact-based pieces of research identified for use in this CEQA analysis is an energy policy paper published on Elsevier Ltd., titled “*The Carbon Footprint of Indoor Cannabis Production*”, by Evan Mills of Energy Associates, March 2012.³ This article presents a model of the cannabis production process using public domain sources, and provides a national-averaged estimate of the life-cycle energy use, costs and associated GHG emissions resulting from indoor cannabis production. Generally, this paper identifies the major categories of energy used in indoor cannabis cultivation as including high-intensity lighting; dehumidification to remove water vapor; space heating, cooling and drying; use of irrigation water; ventilation and air conditioning; injection of CO₂ to increase foliage growth; air cleaning, noise and odor suppression; and vehicle travel. According to this research paper, energy demands can total as much as 6,000 kW/hours for each kilogram (kg) of cannabis yield, resulting in approximately 4,600 kg of CO₂ emissions per kilogram yield of cannabis. This includes approximately 88% of CO₂ emissions (4,048 kg) attributable to electrical energy use, and 12% of CO₂ emissions (552 kg) attributed to vehicle emissions

The CO₂ emission factors attributed to electrical energy used in this research paper are based on national-average carbon burdens of 0.66 kg of CO₂/kW/h, whereas locally used PG&E power has a substantially lower carbon burden of 0.20 kg CO₂/kW/h. Adjusting for this lower carbon footprint of PG&E power supply, it can be estimated that indoor production of 1 kg of cannabis in Alameda County may result in less than one-third of the CO₂ emissions as estimated by Mills, or 1,216 kg attributable to electrical energy use, plus the 552 kg attributed to vehicle emissions, for a total of 1,768 kg of CO₂ emissions per

³ <http://hightimes.com/grow/how-much-energy-does-indoor-pot-really-use/>

kg of cannabis yield. Converting to metric tons (MT), 1 MT of cannabis yield could result in approximately 1,768 MT of CO₂ emissions.

This estimate of energy demand is based on production, or cannabis crop yield. The project does not include an estimate of cannabis yield per cultivation site, so an estimate of average yield, as also derived from the Mills research paper, has been developed for this analysis. According to the Mills paper, a standard cannabis production module of 4 feet by 4 feet (16 square feet) can yield up to 0.5 kg of final cannabis product per grow cycle (or 32 sf can potentially yield up to 1 kg of cannabis yield), with as many as 4 to 5 grow cycles per year. A 22,000 square foot cannabis canopy could therefore yield approximately 687.5 kg of final cannabis product per cycle, or 2,750 kg under a 4-cycle grow year. Actual annual cannabis crop yields would likely vary greatly depending upon agricultural practices, economies of scale, and operational efficiencies used. However, assuming that one cultivation site greenhouse or other structure with a 22,000 square-foot cannabis canopy may yield up to 2,750 kg (or 2.75 MT) of final cannabis product, each cultivation site may generate as much as 4,862 MTCO₂/year of GHG emissions. Six cannabis cultivation sites, as proposed, would therefore generate as much as 29,172 MTCO₂ per year.

Another reference data point for the electrical energy demands associated with cannabis production comes from Boulder County, Colorado.⁴ Based on metered energy use in that county, Boulder County has found that the average electricity consumption of a local 5,000 square foot indoor marijuana cultivation facility is about 41,808 kW-hours monthly. With the majority of this electricity coming from coal burning power plants, a typical 5,000 square foot indoor grow facility contributes approximately 43,731 pounds of CO₂ per month to the atmosphere. Using this Boulder County average, a 22,000 square-foot cannabis-cover greenhouse would generate approximately 4.4 times as much energy and result in approximately 4.4 times the CO₂ emissions as a 5,000 square-foot facility. On a yearly basis, this would be equivalent to approximately 2.3 million pounds of CO₂ per year, or 1,047 MTCO₂/yr for energy usage only. This number does not account for other life-cycle emissions, such as those attributed to vehicle use.

Thresholds:

In accordance with State CEQA Guidelines, each lead agency must determine applicable thresholds of significance based on substantial evidence in the record. As standard practice, Alameda County relies on the Air District's *CEQA Thresholds Options and Justification Report* (2009), which provides substantial evidence for use of thresholds published in the 2017 *BAAQMD CEQA Guidelines*. As such, Alameda County applies a threshold of 1,100 MTCO₂e/yr., or 4.6 MTCO₂e/yr per service population, as its thresholds in assessing the significance of any project's individual GHG emissions.

Although actual GHG emissions associated with cannabis production at each cultivation site may vary substantially based on actual yield and agricultural practices employed, the estimated emissions from a

⁴ <http://www.bouldercounty.org/env/sustainability/pages/mjimpactoffset.aspx>

single 22,000 square-foot cannabis cultivation facility as presented above are substantial enough to conclude that GHG emissions from each new cultivation site (ranging between 1,047 MTCO₂/yr for energy usage only, to full life-cycle emissions of as high as 4,862 MTCO₂/year) would likely be significant, and mitigation measures would be warranted.

Mitigation Measures:

Mitigation Measure GHG-1: Energy and GHG Emissions Reduction. Each applicant for a dispensary or cultivation site permit shall minimize energy usage in its cannabis production and distribution operations to the extent feasible. Applicants for a cannabis cultivation site Conditional Use Permit shall present in their application materials a quantitative estimate of annual GHG emissions that would result from the proposed cultivation facility. If the results of the analysis indicate that annual emissions would exceed the threshold of 1,100 MTCO₂/year, the applicant shall include in the plans and specifications for the facility as many of the following or other comparably effective energy reduction measures as necessary to achieve GHG emissions levels below the significance threshold level:

- a. Lower Energy Lighting. Technological advances in LED and other types of energy-efficient lighting for indoor agricultural use have been found capable of producing the necessary light wavelengths in the correct ratios for photosynthesis to occur at levels that can sustain high crop yields, while reducing the amount of heat generated by typical high-intensity bulbs, consuming substantially less (up to 70% less) power than high-intensity discharge bulbs.
- b. Low Emission Vehicle Fleet. Vehicles used for delivery of medical cannabis to qualified patients should be qualified low-emission vehicles.
- c. Renewable Energy Sources. Use of renewable energy sources such as photovoltaic panels or direct connections to on-site or near-site wind power turbines that would supply electrical power for lighting, heating and other energy demands of the proposed operation.

Purchase of Carbon Credits. If the foregoing methods or other means of reducing annual GHG emissions fail to achieve sufficient reduction to below threshold levels, the applicant shall purchase carbon credits sufficient to offset the remaining emissions above the threshold levels, through the Climate Action Reserve program, which establishes high quality standards for carbon offset projects, oversees independent third-party verification bodies, issues carbon credits generated from such projects and tracks the transaction of credits over time in a transparent, publicly-accessible system.⁵

Resulting Level of Significance

With effective reductions in overall energy demands at each cultivation site resulting in documented GHG emission levels below 1,100 MTCO₂e/year or through the purchase of carbon credits to off-set the GHG

⁵ <http://www.climateactionreserve.org/>

missions, the GHG emission impacts associated with the project would be reduced to levels of 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?		<input checked="" type="checkbox"/>		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?		<input checked="" type="checkbox"/>		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		<input checked="" type="checkbox"/>		
d) Disturb any human remains, including those interred outside of formal cemeteries?		<input checked="" type="checkbox"/>		

6a, b, c & d): Less than Significant. The project’s Ordinance Amendments would enable the establishment of new dispensaries (either using existing buildings or constructing new buildings) in commercial or agricultural zoning districts, and establishment of cultivation sites using enclosed structures such as a barn or warehouse or a greenhouse or hoop structure. Establishment of these facilities would require issuance of Conditional Use Permits from the County, and those permits would be conditioned upon compliance with all applicable federal, state and local statutes, regulations and requirements. For any new dispensaries that may consider reuse or demolition of any prehistoric or historic district, site, building or structure, the National Historic Preservation Act and its implementing regulations (16 USC Section 470 et seq., 36 CFR Part 800, 36 CFR Part 60 and 36 CFR Part 63) and state CEQA Guidelines (Section 21084.1 of the Public Resources Code) will require Alameda County to consider such effects on historic properties, including any substantial adverse change such as demolition, destruction, relocation or alteration that would impair a resource’s historic significance. For any new structures that may be proposed pursuant to the project, the County’s Conditional Use Permit process will also require identification and examination of any site-specific effects on unique archaeological or paleontological resources or Native American tribal cultural resources. Alameda County’s policies regarding archaeological and historic resources (including Native American tribal cultural resources) are that they should be preserved and maintained “to the maximum extent possible...including but not limited to those listed on official State and National Registers.” When site preparation and construction activities are proposed, the County’s policy follows the State laws that require adequate identification of the resources, and, where appropriate, preservation.

Additional requirements for cultural resources management include Code Chapter 1.7, Section 5097.5 (Archaeological, Paleontological, and Historical Sites) of the California Public Resources Code, and the

disposition of Native American burials as governed by Section 7050.5 of the California Health and Safety Code and Sections 5097.94 and 5097.98 of the Public Resources Code.

Any future development of new structures or reuse of existing structures pursuant to the project would be individually evaluated against historic and cultural resource criteria at each location, based on the regulatory requirements listed above. With effective implementation of these existing regulations, the project will not cause a substantial adverse change in the significance of a historical resource, a change in the significance of an archaeological resource, or directly or indirectly destroy a unique paleontological resource or a tribal cultural resource.

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:			<input checked="" type="checkbox"/>	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			<input checked="" type="checkbox"/>	
ii) Strong seismic ground shaking?			<input checked="" type="checkbox"/>	
iii) Seismic-related ground failure, including liquefaction?			<input checked="" type="checkbox"/>	
iv) Landslides?			<input checked="" type="checkbox"/>	
b) Result in substantial soil erosion or the loss of topsoil?			<input checked="" type="checkbox"/>	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			<input checked="" type="checkbox"/>	
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?			<input checked="" type="checkbox"/>	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			<input checked="" type="checkbox"/>	

7a through e): Less than Significant. The project’s Ordinance Amendments would enable the establishment of new dispensaries (either using existing buildings or constructing new buildings) in commercial or agricultural zoning districts, and establishment of cultivation sites using enclosed structures such as a barn or warehouse or a greenhouse or hoop structure. Establishment of these facilities would require issuance of a Conditional Use Permit from the County, and that permit would be conditioned upon compliance with all applicable state statutes, regulations and requirements including:

- the Alquist-Priolo Earthquake Fault Zoning Act,

- the California Seismic Hazards Mapping Act [California Public Resources Code Sections 2690-2699.6], and
- the California Building Standards Code [Title 24 of the California Code of Regulations]; and
- all local ordinances, regulations, guidelines, standards and requirements including all County Grading Permit requirements [Alameda County Code of Ordinances, Title 15 - Buildings and Construction, Chapter 15.36 – Grading, Erosion and Sediment Control], and applicable County building permit requirements.

Any future development of new or reuse of existing structures pursuant to the project would be individually evaluated against geological and soil criteria at each location, based on the regulatory requirements listed above. With effective implementation of these existing regulations, the project will not expose people or structures to potential substantial adverse effects involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, landslides, result in substantial soil erosion or loss of topsoil, be located on a geologic unit or unstable soil, be located on expansive soil, or have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

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?		<input checked="" type="checkbox"/>		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		<input checked="" type="checkbox"/>		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?		<input checked="" type="checkbox"/>		
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				<input checked="" type="checkbox"/>
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?				<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				<input checked="" type="checkbox"/>
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?				<input checked="" type="checkbox"/>

8a, b, and c): Less than Significant. The project involves adoption of Ordinance Amendments that clarify and codify permit requirements and regulations for commercial medical cannabis activities including dispensaries, delivery operations, sale of edibles and a pilot cultivation program that would permit up to six (6) cultivation sites to be located only in areas zoned Agriculture in the unincorporated East County area. Commercial medical cannabis cultivation will likely involve the use of certain hazardous materials, including petroleum products, fertilizers and pesticides. Use of all of these potentially hazardous substances and products is regulated by local, state and federal regulations and standards. For example, the California Department of Pesticide Regulation (DPR) issued a bulletin in

September 2015 that provides growers of medical cannabis with information about how to comply with California's environmental laws as they relate to pesticide use.⁶

Item 16 of the Performance Standards for the pilot program, "Compliance with State Law," requires all permittees to comply with all state statutes, regulations and requirements of state agencies that regulate the use of pesticides and fertilizers, including the California Water Quality Control Board, the California Department of Pesticide Regulation, the California Environmental Protection Agency and the California Department of Food and Agriculture. The scope of Item 16 includes compliance with the directives in the aforementioned DPR bulletin. Compliance with applicable regulations of these agencies would ensure that any use of, or exposure to hazardous materials would represent a less than significant impact on the environment. In addition, the Performance Standards and Standard Conditions for pilot program cultivation sites also includes the following requirements addressing potential hazardous materials and hazards issues:

21. Fuels and Agricultural Additives. *Storage, use and handling of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be in compliance with applicable state and local laws and regulations, and in such a way that prevents spillage.*

27. Processing Safety.

- a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.*
- b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.*
- c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.*
- d. Employees must wash hands sufficiently when handling cannabis or use gloves.*

28. Employee Safety Practices.

- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:*

- 1) Emergency action response planning as necessary;*

⁶<http://www.cdpr.ca.gov/docs/county/cacitrs/penfltrs/penf2015/2015015.htm>

- 2) *Employee accident reporting and investigation policies;*
 - 3) *Fire prevention;*
 - 4) *Hazard communication policies, including maintenance of material safety data sheets (MSDS);*
 - 5) *Materials handling policies;*
 - 6) *Job hazard analyses; and*
 - 7) *Personal protective equipment policies, including respiratory protection.*
- b. *Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:*
- 1) *Operation manager contacts;*
 - 2) *Emergency responder contacts; and*
 - 3) *Poison control contacts.*
- c. *At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.*
- d. *On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.*
- e. *All permittees shall, at the time of the application for a conditional use permit, include a Cannabis Processing Plan with all of the following:*
- 1) *Summary of processing practices.*
 - 2) *Description of location where processing will occur.*
 - 3) *Estimated number of employees, if any.*
 - 4) *Summary of Employee Safety Practices.*
 - 5) *Description of toilet and handwashing facilities.*
 - 6) *Description of plumbing and/or septic system and whether or not the system is capable of handling increased usage.*
 - 7) *Description of source of drinking water for employees.*

8) *Description of increased road use resulting from processing and a plan to minimize that impact.*

9) *Description of on-site housing, if any.*

29. Waste.

- a. *Solid and liquid wastes generated during cannabis production and processing must be stored, managed, and disposed of in accordance with applicable state and local laws and regulations.*
- b. *Wastewater generated during cannabis production and processing must be disposed of in compliance with applicable state and local laws and regulations.*
- c. *Wastes from the production and processing of cannabis plants must be evaluated against the state's hazardous waste regulations to determine if those wastes classify as hazardous waste. It is the responsibility of each waste generator to properly evaluate their waste to determine if it is designated as a hazardous waste. If a generator's waste does qualify as a hazardous waste, then that waste is subject to the applicable management and disposal standards. A cannabis plant, usable cannabis, trim and other plant material in itself is not considered hazardous waste unless it has been treated or contaminated with a solvent.*
- d. *Cannabis wastes that do not qualify as hazardous including but not limited to trim, roots, stalks, leaves, and stems must be rendered unusable prior to leaving the cultivation site.*

30. Required Operations Plan. *All applicants shall, at the time of the application for a conditional use permit, include an Operations Plan with their application materials that addresses the following elements in sufficient detail for the County to evaluate the proposed cultivation operation against the requirements included herein:*

- a. *Site Plan*
- b. *Site Security Plan*
- c. *Track and Trace Plan*
- d. *Cultivation Operations Plan*
- e. *Worker Safety Plan*
- f. *Cannabis Processing Plan*
- g. *Waste Disposal Plan*

The permit review and issuance process, with identified restrictions on operations as indicated above, would require that agricultural practices used at pilot cultivation sites would not create a significant hazard to the public or to the environment through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

8d): No Impact. No specific sites have been selected for potential new medical cannabis dispensaries or cultivation sites, so it is premature to assess whether any such facility may be proposed on a site listed pursuant to Government Code Section 65962.5 as a known contamination site (i.e., on the 'Cortese List'). Pursuant to the project, all related activities are subject to issuance of discretionary permits, and the review of applications which would take into account whether a proposed dispensary or a cultivation site would be in a location that may create a significant hazard to the public or the environment. Applications on any such site would be required to comply with all state regional and local statutes, regulations and requirements pertaining to hazardous materials, including those of the California Department of Toxic Substances Control, the California Water Resources Control Board and/or the County Department of Environmental Health.

8e, f, g and h): No impact. Cannabis dispensaries, delivery operations, and cultivation pursuant to the pilot program are all activities subject to issuance of discretionary permits, the review of applications for which would take into account whether a proposed dispensary or a cultivation site may be located on sites within an airport land use plan; located near a private airstrip; on a site that would interfere with an emergency response plan; or would expose people or structures to the risk of wildland fires. The permit review and issuance process, the restrictions on operations and the limited duration of permits (2 years, maximum) would ensure that none of the activities contemplated in the Ordinance Amendments would have an impact on the environment.

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?		<input checked="" type="checkbox"/>		
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)?		<input checked="" type="checkbox"/>		
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site (i.e. within a watershed)?			<input checked="" type="checkbox"/>	
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)?			<input checked="" type="checkbox"/>	
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?			<input checked="" type="checkbox"/>	
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)?		<input checked="" type="checkbox"/>		

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
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?		<input checked="" type="checkbox"/>		
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?				<input checked="" type="checkbox"/>
i) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				<input checked="" type="checkbox"/>
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?				<input checked="" type="checkbox"/>
k) Inundation by seiche, tsunami, or mudflow?				<input checked="" type="checkbox"/>

9a, g and f): Less Than Significant Impact. The project will not violate any water quality standards or waste discharge requirements of the Alameda County Clean Water Program. The County has existing permit regulations for the review of development applications that implement these control measures including for grading, erosion control, and urban stormwater quality management. The County, in compliance with State and Regional Water Board requirements, reviews all applications for development to ensure that appropriate permits and standards are met that protect water quality for future beneficial uses. The subject Ordinance Amendments will require permits that trigger this review. To prevent water quality problems, waste discharge restrictions will be implemented through Water Quality Certification, National Pollutant Discharge Elimination System (NPDES) permits, waste discharge requirements/permits (WDRs), discharge prohibitions, enforcement actions, and/or "Best Management Practices."

Additionally, Section 17.52.585 of the draft cultivation ordinance states that no Conditional Use Permit for cultivation shall be issued unless the Board of Zoning Adjustments finds that:

The discharge into any public sewer, private sewage disposal system or stream or into the ground shall not occur except in accordance with the standards approved by the State Department of Health, of any materials of such nature or temperature as to contaminate

any water supply, interfere with bacterial processes and sewage treatment, or in any way cause the emission of dangerous or offensive elements;

Based on required compliance with all applicable state and local laws and regulations pertaining to wastewater disposal and stormwater management and additional findings pursuant to the proposed Ordinance Amendments, the project would not result in significant impacts related to wastewater treatment or construction of necessary storm water facilities

Regulations are also included in the draft Ordinance Amendments that aid in protecting water quality including restrictions on storing fertilizers and pesticides.

9b): Less Than Significant Impact Consistent with the license types established in the Medical Cannabis Regulation and Safety Act (MCRSA), the subject Ordinance Amendments specifically provide permitting of medical cannabis dispensary, delivery and cultivation activities and operations by the County's Community Development Agency. Issuance of permits is a "project" under CEQA and would require an assessment of potential water supply impacts as part of the review and approval process. The review and permitting process to which all cannabis related activities would be subject, pursuant to the terms of the proposed Ordinance Amendments, will assure that the activities would have a less than significant impact on groundwater supplies and would introduce no new impacts related to the depletion of the groundwater supply.

9c, d and e): No Impact. The proposed Ordinance Amendments would not substantially alter the existing drainage pattern of any affected site or area. This includes the alteration of the course of a stream or river in a manner that would result in substantial erosion or siltation on or off-site, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Under the proposed pilot program, medical cannabis cultivation would be allowed subject to a discretionary Conditional Use Permit that would be issued for only up to six (6) sites in the Agricultural (A) zoning district. Cultivation would be allowed to happen only in legal structures in which the cannabis would not be visible from the exterior of the premises. The limitations attached to the pilot program, including the low number of cultivation permits, the limited duration of the permit and all other restrictions, taken together, provide a high level of assurance that the proliferation of greenhouses, hoop structures, barns or warehouses used for cultivation activities that might otherwise have the potential of substantial alterations to existing drainage and runoff will not occur because of the project.

9h, i, j and k): No Impact. For new cultivation sites, the Performance Standards and Standard Conditions for pilot program cultivation sites requires each medical cannabis cultivation permit site to comply with performance standards and standard conditions, including compliance with local law and compliance with all applicable requirements established by the Alameda County Public Works Agency, the Alameda County Planning Department, and the Zone 7 Water Agency or other agency having jurisdiction over flood control. With compliance with these laws and regulations, the proposed project would not expose people or property to flood hazards or increasing any risks associated with flood exposure. No flood related impacts would occur.

A risk of seiche can occur if development occurs adjacent to an inland body of water and a seismic event, such as an earthquake, causes significant water displacement. The proposed project consists of Ordinance Amendments and a pilot program that clarifies and codifies regulations for medical cannabis dispensaries, delivery and cultivation in certain zoning districts and does not include any land use changes that would introduce elevated risk of tsunami or seiche.

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.				<input checked="" type="checkbox"/>
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?				<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				<input checked="" type="checkbox"/>

10a): No Impact. All activities related to the cultivation and establishment of new dispensaries of medical cannabis products would be subject to review and approval of discretionary permits by the Director of the Alameda County Community Development Agency. Permits are limited in number and are issued only after careful scrutiny of the individuals who would be involved and after vetting the applicant(s) and applications for compliance with all applicable requirements of the County’s zoning code, general plan policies, any applicable specific plans, and environmental regulations. There is no evidence to indicate that issuance of a permit pursuant to the Ordinance Amendments would have the potential to divide an established community.

10b): No Impact: All new medical cannabis dispensaries and cultivation sites must comply with all local ordinances, regulations, guidelines, standards and requirements of all local agencies and departments. Permittees must obtain and maintain any permit, license, certification or registration required by a local agency or department. Compliance with all applicable requirements established by the Alameda County Public Works Agency and/or Alameda County Planning Department for the purpose of avoiding or mitigating an environmental effect is specifically required.

10c): No Impact. There are no habitat conservation plans (HCPs) or natural community conservation plans (NCCP) operative within Alameda County and therefore there is no possibility of a conflict with such plans.

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?				<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				<input checked="" type="checkbox"/>

11a, b): No Impact. Alameda County does have numerous existing mineral resource extraction sites, primarily sand and gravel quarries that are generally located in two primary geographical locations; in the Sunol Valley, and within the area known as the Chain of Lakes between the cities of Pleasanton and Livermore. Each of these quarries operate under the provisions of a Surface Mining Permit issued by the County, and the boundaries of these quarries are well established. Nearly all of these quarry sites have a General Plan land use designation and commensurate zoning designation of Water Management, reflecting their ultimate reclamation use as beneficial to various water management objectives. No new dispensaries or cultivation sites would be permitted pursuant to the proposed project in areas designated for Water Management, and thus the project will not 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 or 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.

Furthermore, pursuant to ECAP Policy 155, “except to the extent required by State law, no new quarry or other open-pit mine may be approved by the County outside the Urban Growth Boundary, unless approved by the voters of Alameda County.” As such, any new cultivation site that may be established pursuant to the project on an Agricultural zoned site would not preclude mineral resource extraction beyond that already precluded by ECAP. The project would have no impact on mineral resources.

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?				<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				<input checked="" type="checkbox"/>
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?				<input checked="" type="checkbox"/>

12a – f): No Impact. The proposed Ordinance Amendments establish permit requirements and regulations for medical cannabis dispensaries, delivery and cultivation activities in Alameda County. Permitted sales and cultivation operations would occur indoors; cultivation would be permitted only within an agriculturally designated area and within a structure such as a barn, warehouse, greenhouse or hoop structure. Dispensaries would be permitted only in commercial or agricultural zoning districts. In all regards, compliance will be required with applicable noise limits and regulations already operative under the County’s General Plan and Noise Ordinance.

In addition, the Ordinance Amendments include the following performance standard requirement:

Noise or vibration, other than that related to transportation activities and temporary construction work, shall not be discernible without instruments at any lot line of the site;

As a result, the project would not result in exposure of persons to or generation of noise levels in excess of standards established in the General Plan or the County’s noise ordinance, nor would the activities authorized under the Ordinance Amendments result in generation of excessive groundborne vibration or

noise levels or have a substantial permanent increase in ambient noise levels or have a substantial temporary or periodic increase in ambient noise levels. The uses and activities that would be permitted by the proposed Ordinance Amendments are not sensitive to noise, are not anticipated to create a new source of noise and would not be located near sensitive noise receptors due to limitations on locations within the ordinances.

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)?				<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				<input checked="" type="checkbox"/>

13a - c): No Impact. The project consists of Ordinance Amendments that would establish permit requirements and regulations for medical cannabis dispensaries, delivery and cultivation activities in the unincorporated areas of Alameda County. No form of subdivision is considered, no new housing or infrastructure that could induce housing growth is contemplated and no housing would be demolished. As a result, the project will not induce population growth in the area or displace existing housing or people necessitating the construction of housing elsewhere.

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?				<input checked="" type="checkbox"/>
b. Police protection?		<input checked="" type="checkbox"/>		
c. Schools?				<input checked="" type="checkbox"/>
d. Parks and Recreation?				<input checked="" type="checkbox"/>
e. Other public facilities?				<input checked="" type="checkbox"/>

14a): No Impact: The Ordinance Amendments clarify and require compliance with all local laws of all local agencies and departments, including those of the Alameda County Planning Department and the Alameda County Fire Department. With compliance with these applicable laws and regulation, impacts related to fire protection would be less than significant.

14b): Less than Significant. It should be noted that the County’s Sheriff’s Office has stated its position early in the process and remains concerned about the prospect of additional dispensaries, and cultivation sites in the East County. Concerns about providing adequate resources to ensure public safety, additional delivery services, quantity limitations (or lack thereof) and general concern about the potential for strain on existing resources remain. However, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered Sheriff’s facilities in order to maintain acceptable service ratios, response times or other performance objectives, the construction of which could cause significant environmental impacts.

For new cultivation sites, the Performance Standards and Standard Conditions for pilot program cultivation sites requires each medical cannabis cultivation permit site to comply with the following performance standards and standard conditions:

15. Safety and security. Permittees shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft.

In addition, the Performance Standards require submittal of an Operations Plan including a Site Security Plan. Other obligations regarding security are provided in Chapter 6.108 for dispensaries and deliveries and cultivation sites.⁷

It is likely that unpermitted cultivation of cannabis is currently occurring in unincorporated areas of Alameda County. Such cultivation activities often occur in remote areas where public services are not readily accessible and emergency service response times are longer. Regulatory enforcement actions of the County for unpermitted cannabis activities often require involvement by the County Sheriff due to the nature of these operations. Unpermitted activities may, and are likely to continue even with adoption of the proposed Ordinance Amendments. However, the clarification and codification of permitted cannabis operations as proposed could result in a reduction in unpermitted activities.

14c, d and e): No Impact. The project does not include any form of subdivision or residential uses that would necessitate new school facilities, and the project would not generate any public school students. Similarly, the project does not include any new park or recreational facilities, and the project would not generate any increased demands for parks or recreational facilities.

As drafted, the ordinances (Ordinance § 6.108.030(E)(2) and Ordinance § 17.52.585(C)(9)(c)) prohibit dispensary locations and cultivation sites closer than one thousand (1000) feet from any school, public park or playground, drug recovery facility or recreation center. For operations attempting to get permitted under the subject ordinances, a Conditional Use Permit will be required. Permit standards would include consideration for adequate public services and facilities on a case by case basis. Enforcement and permitting activities will be addressed through existing service locations and no new or expanded public service facilities are proposed or anticipated to address the contemplated uses.

⁷ See Alameda County General Ordinance Code at §6.108.060(11), §6.108.120(A)(13), §6.108.125(A)(12), §6.108.110 and §6.106.080(A)(11).

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?		<input checked="" type="checkbox"/>		
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?		<input checked="" type="checkbox"/>		
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?				<input checked="" type="checkbox"/>
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?		<input checked="" type="checkbox"/>		

16a, b and f): Less than Significant. The project includes consideration of Ordinance Amendments that would lead to the permitting of up to five medical cannabis retail outlets in areas zoned for commercial or agricultural uses and up to six cultivation operations in areas zoned for agricultural uses. Traffic effects related to the operation of these facilities would result from employee commutes, retail sales, delivery of supplies and materials related to the cultivation of cannabis products and delivery to qualified patient users. Traffic generated by these activities would be comparable to other commercial retail business or agricultural operation and the limited number of potential facilities suggests that the combined traffic for all possible operations, dispersed geographically in accordance with the proposed ordinance, would have an imperceptible effect on traffic circulation and would be consistent with transportation policies in the three General Plans and Specific Plans applicable in the areas where the facilities would be permitted – the Eden Area Plan, the Castro Valley General Plan and East County Area Plan and the Fairview Area Specific Plan. Controls for traffic related impacts are tied to analysis of traffic impacts from development. A dispensary permit will be required for all retail dispensaries and a Conditional Use Permit will be required for each of the six potential cultivation sites in East County. Traffic impacts associated with any

of these potential facilities will be assessed prior to the issuance of any permit. Evaluation will include any requirements for circulation improvements or fair-share contributions to ensure that adequate levels of services are maintained at intersections and on streets, roads, and highways. The project will not conflict with transportation policies of the East County Area Plan, the Castro Valley General Plan or the Eden Area Plan or other plans including Specific Plans adopted to ensure adequate transportation facilities in the County.

16c): No Impact. The project does not include significant changes in population or require any changes to air traffic patterns. Business-related air travel associated with the medical cannabis activities contemplated would likely use existing airports with existing air traffic patterns and are not anticipated to result in a significant increase in demand that would necessitate changes in air traffic. Therefore the project will have no impact on air traffic patterns or levels that might result in a substantial safety risk.

16d and e): No Impact. The project does not include permitting of any new improvements that might change traffic patterns or circulation. Each application made pursuant to the ordinances would be evaluated through a Conditional Use Permit review and approval process. The evaluation would include any improvements associated with the requested medical cannabis activity including driveway encroachments, new roads or road improvements, site distance, and adequate access and turn-around space for emergency vehicles. In general, the uses contemplated in the Ordinance Amendments would be located within buildings. Any construction of new structures or roads would be subject to regulations and permitting requirements including review by County Planning, Public Works, the applicable Fire Districts, and responsible agencies. Therefore the project would not create hazards or result in inadequate emergency access.

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?			<input checked="" type="checkbox"/>	
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?			<input checked="" type="checkbox"/>	
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?			<input checked="" type="checkbox"/>	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?		<input checked="" type="checkbox"/>		
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?			<input checked="" type="checkbox"/>	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			<input checked="" type="checkbox"/>	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			<input checked="" type="checkbox"/>	

17a, b, c and e): No Impact. The project consists of Ordinance Amendments that establish permit requirements and regulations for commercial medical cannabis activities. A dispensary permit and delivery permit will be required prior to allowing any new dispensary or delivery operation. All improvements to land and structures for a dispensary permit will be subject to existing regulations and permit requirements. The Ordinance Amendments for dispensary permits would apply only in commercially and agricultural zoned districts in the unincorporated areas of the West County, and in the agricultural zoned areas of East County. Depending on the specifics of each site, dispensaries would most likely be served by existing municipal wastewater systems or, in East County sites, potentially by on-site septic systems. Storm water facilities would be provided on-site and would likely connect to existing infrastructure in commercial zoning districts. Each application for a dispensary or delivery permit made pursuant to the Ordinance Amendments will include consideration, through the permit process, of the method of wastewater disposal, the capacity of the system to accommodate the intended use, and the need to address storm water runoff. In general, the dispensary uses considered in the Ordinance Amendments are additive to a list of uses already allowed in the applicable zones or areas. Medical cannabis dispensary activities are not likely to generate more wastewater or storm water runoff than uses of a similar nature

already provided by the County Code without the project. Therefore, there will be no impact as a result of wastewater treatment or construction of storm water facilities.

For new cultivation sites, the Performance Standards and Standard Conditions for pilot program cultivation sites requires each medical cannabis cultivation permit site to comply with the following performance standards and standard conditions:

29. Waste. Solid and liquid wastes generated during cannabis production and processing must be stored, managed, and disposed of in accordance with applicable state and local laws and regulations. Wastewater generated during cannabis production and processing must be disposed of in compliance with applicable state and local laws and regulations.

Additionally, Section 17.52.585 of the draft cultivation ordinance states that no Conditional Use Permit for cultivation shall be issued unless the Board of Zoning Adjustments finds that:

The discharge into any public sewer, private sewage disposal system or stream or into the ground shall not occur except in accordance with the standards approved by the State Department of Health, of any materials of such nature or temperature as to contaminate any water supply, interfere with bacterial processes and sewage treatment, or in any way cause the emission of dangerous or offensive elements;

Based on required compliance with all applicable state and local laws and regulations pertaining to wastewater disposal and stormwater management, the project would not result in significant impacts related to wastewater treatment or construction of necessary storm water facilities.

17d): Less than Significant. The source of water for each permitted activity will depend on the location and whether or not municipal water services are available. Dispensary operations located within commercial areas of the West County will likely rely on water from existing water service providers. The operation of dispensaries and related medical cannabis activities (such as delivery) will be similar in nature to other land uses already permitted in the applicable zoning districts (e.g. transportation/distribution and dispensaries/retail stores) and would not represent an unique water demand requirement.

Any dispensaries located in the agricultural districts will likely rely on the same sources as are used for rural residences or commercial uses including domestic wells using groundwater and water from water service provers such as Zone 7. The limited number of potential dispensaries in the East County area would not present a significant increase in demand or impact on groundwater resources or require water service providers to seek ways to increase available water resources.

Cultivation operations, which would be permitted only in areas zoned for agriculture, primarily located in East County, may rely on ground water from private wells or on water from existing water service providers. There are no definitive studies regarding water consumption of indoor-grown cannabis plants, or a comparison of water needed for cannabis plants against other crops that are typically found in greenhouses or grown indoors. Available studies report wide variations in water demands, ranging from 6 gallons of water per day per cannabis plant, to approximately 1 gallon of water per day per cannabis plant. Most sources recognize that the water demand of cannabis cultivation is not standardized, and that many

factors including location, plant maturity and soils affect the water needed to grow a cannabis plant. However, the Mills research paper presents a well-documented, if conservative estimate for water demands associated with an indoor hydroponic cannabis cultivation grow room.⁸ According to this paper, a 22 square-meter hydroponic grow room requires approximately 151 liters of water per day. Converting this water demand ratio to a structure or greenhouse that contains 22,000 square feet of cannabis canopy cover results in a water demand of approximately 14,133 liters per day, or approximately 3,734 gallons per day, or 1.36 million gallons of water per year. This is roughly equivalent to the water demands associated with approximately 18 or 19 single family homes, assuming a water demand of approximately 200 gallons per day/dwelling unit. This level of water application is again conservative (i.e., worst-case) and much higher than traditional soil-grown water applications.

Water management staff at the Zone 7 Water Agency indicates that wine growers in eastern Alameda County use between 0.7 – 0.9 acre feet (AF⁹) of water per year for grape cultivation, and that olive growing requires between 1.0 and 1.5 AF. Zone 7 delivers between 5,500 and 6,000 AF of water for agricultural uses in East County annually.¹⁰ Using the worst case estimate from above, a 22,000 square foot cannabis cultivation operation would require approximately 4.2 AF of water per year, and all 6 cultivation sites would require 25.2 AF. This amount equates to approximately 0.45 percent of the annual Zone 7 agricultural water usage.

CEQA Guidelines section 15155 requires a Water Supply Assessment (WSA) for any “high water-demand project,” which is defined as any project that would demand an amount of water equivalent to or greater than the amount of water required by a 500 dwelling unit project. Thus, a new cultivation site (even under a conservative, worst case scenario) would not be considered a high water-demand project for which a WSA would be needed, and would likely be able to be served by the existing water purveyor (Zone 7) from existing water supplies. Cannabis cultivation activities that rely on ground water demand may be restricted if the water quality is not acceptable for crop irrigation (e.g., has too high of a salinity level).

In all cases, permittees of cultivation sites must comply with all local ordinances, regulations, guidelines, standards and requirements of all local agencies and departments, must obtain and maintain any permit, license, certification or registration required by a local agency or department, and must pay all local taxes and fees – including those of the Alameda County Public Works Agency, the Alameda County Fire Department and the Zone 7 Water Agency or other agency having jurisdiction over water supply. Thus, whenever State-wide or regional drought conditions are present, as in recent years, and when mandatory

⁸ Elsevier Ltd., “The Carbon Footprint of Indoor Cannabis Production”, by Evan Mills of Energy Associates, March 2012

⁹ One acre foot is the amount of water that would cover an acre of land to a depth of 1 foot, = 43,560 cubic feet, approximately 325,851 U.S. gallons.

¹⁰ Telephone conversation with Sal Segura, Zone 7 Water Agency, February 9, 2017.

conservation efforts are applied to water service providers such as Zone 7, prohibitions and restrictions intended to prevent waste and unreasonable use of water are instituted and applied against water consumers. Cannabis cultivation operations using Zone 7 water or otherwise subject to Zone 7 regulations and restrictions would be subject to water use cutbacks and conservation measures along with all other agricultural water users.

As indicated above, cannabis cultivation permittees' demand for water is estimated to represent a small (less than 1 percent) percentage of Zone 7 water that is available to East County agricultural users. For this reason, Zone 7 would not need to expand its access to water supplies or entitlements or modify or expand its existing service system infrastructure to meet the demands of cultivation sites. Cannabis cultivation water customers would be subject to system-wide restrictions and cut-backs during drought conditions. For all of these reasons, potential impacts to water resources resulting from cannabis cultivation sites would be less than significant.

17 f and g): No Impact. Solid waste generated from the up to five possible medical cannabis dispensaries and four cultivation sites would be addressed through permitting requirements and will likely be handled at permitted landfills regulated by the Alameda County Waste Management Authority (ACWMA). The major landfill in Alameda County is the Altamont Landfill and Resource Recovery facility located at 10850 Altamont Pass Road, Livermore which has over 60 million cubic yards of remaining capacity that is anticipated to be sufficient to accommodate solid waste disposal through 2025. The other operating landfill is the Vasco Road Sanitary Landfill, located at 4001 North Vasco Road, Livermore. It has remaining capacity of over 7 million cubic yards and is expected to cease operations in 2022.

For new cultivation sites, the Performance Standards and Standard Conditions for pilot program cultivation sites requires each medical cannabis cultivation permit site to comply with the following performance standards and standard conditions:

29. Waste. Solid and liquid wastes generated during cannabis production and processing must be stored, managed, and disposed of in accordance with applicable state and local laws and regulations. Wastes from the production and processing of cannabis plants must be evaluated against the state's hazardous waste regulations to determine if those wastes classify as hazardous waste. It is the responsibility of each waste generator to properly evaluate their waste to determine if it is designated as a hazardous waste. If a generator's waste does qualify as a hazardous waste, then that waste is subject to the applicable management and disposal standards. A cannabis plant, usable cannabis, trim and other plant material in itself is not considered hazardous waste unless it has been treated or contaminated with a solvent. d. Cannabis wastes that do not qualify as hazardous including but not limited to trim, roots, stalks, leaves, and stems must be rendered unusable prior to leaving the cultivation site.

30. Required Operations Plan. All applicants shall, at the time of the application for a conditional use permit, include an Operations Plan with their application materials that addresses the following elements in sufficient detail for the County to evaluate the

proposed cultivation operation against the requirements, [including] a Waste Disposal Plan.

Approval of the Ordinance Amendments would not substantially affect the ability of solid waste collection and disposal services to accommodate waste disposal within existing capacity limits particularly in view of the County's ongoing mandate to meet waste diversion requirements of the California Integrated Waste Management Act of 1989 including composting, recycling, public education, and other programs to promote waste diversion goals. Therefore, no significant impacts to utilities and services would occur as a result of the proposed project's implementation.

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

No potentially significant effects on the environmental have been identified in the preceding sections of this Initial Study.

18a): No Impact. As drafted, the proposed Ordinance Amendments would allow commercial medical cannabis dispensaries in commercial and agricultural zoning districts and cultivation in agricultural zoned areas in East County. As discussed in the preceding sections of this Initial Study, the Ordinance Amendments would have a less than significant impact on biological resources and would have no impact on cultural resources given the limitations on the zones where medical cannabis activities could be permitted.

18b): No Impact. CEQA Guidelines (Section 15355[b]) defines cumulative impacts as those resulting from closely related past, present, and reasonably foreseeable projects. CEQA Guidelines (Section 15125[a]) also defines the analytical baseline as the conditions on the ground at the time that the Initial Study is prepared. Impacts of past projects are generally considered as part of these baseline conditions. As drafted, the proposed Ordinance Amendments contain regulatory requirements that ensure that a variety of environmental concerns are addressed on a cumulative basis. Individually, each project will require discretionary review to ensure that applicable policies and regulations protective of environmental resources are addressed and a finding must be made prior to approving any commercial medical cannabis activities that such approval will not result in a significant impact on the environment. The project plus

cumulative development would not result in any significant and unmitigated effects on these resources. Project implementation would not involve cumulatively significant impacts.

18c): No Impact. The subject ordinances contain regulations that address potential impacts on humans such as odor, air quality, water and wastewater controls, light and glare, noise and other potential impact topics. Discretionary review of each application is required which will ensure appropriate measures are taken to address health and safety concerns.

E. SOURCES

1. Proposed Ordinance amending Chapter 6.108 of the Alameda General Code to Conform the Medical Marijuana Dispensaries Ordinance to the California Medical Cannabis Regulatory and Safety Act, and to Permit and Regulate the Delivery of Medical Cannabis in the Unincorporated Areas of Alameda County, and Regulate the Sale, Dispensing and Delivery of Edibles.
2. Proposed Ordinance Amending Title 17 of the Alameda County General Code (Zoning) to Conditionally Permit Medical Cannabis Dispensaries in Specified Districts within The Unincorporated Area Of Alameda County
3. Proposed Ordinance Amending Chapter 6.106 of the Alameda County General Code to Implement a pilot program Authorizing and Regulating the Cultivation of Medical Cannabis in the Unincorporated Area of Alameda County
4. Proposed Ordinance Amending Title 17 of the Alameda County General Code to Implement a pilot program Authorizing and Regulating the Cultivation of Medical Cannabis in the Unincorporated Area of Alameda County
5. Proposed Performance Standards and Standard Conditions for the pilot program Cultivation Sites.
6. The Medical Cannabis Regulation and Safety Act (codified as Chapter 3.5 of Division 8 of the California Business and Professions Code)
7. Geographic Information Systems (GIS) software and maps. **Alameda County, 1994.**
8. East County Area Plan. A Portion of the Alameda County General Plan, adopted May 1994, and amended to include Measure D amendments 2000.
9. Castro Valley General Plan, March 2012.
10. Eden Area General Plan County, March 2010
11. East Alameda County Conservation Strategy (Draft).

F. REPORT PREPARATION

This Initial Study / Mitigated Negative Declaration was prepared by the Alameda County Community Development Agency, Planning Department, under the guidance of Elizabeth McElligott, Assistant Planning Director, with assistance from the County's environmental consultant, Lamphier-Gregory.