

INITIAL STUDY/NEGATIVE DECLARATION

[Pursuant to Public Resources Code Section 21080(c) and California Code of Regulations, Title 14, Sections 15070-15071]

Lead Agency: San Joaquin County Community Development Department

Project Applicant: Darren Mangrum

Project Title/File Number(s): PA-2100126

Project Description: Darren Mangrum (Applicant) is seeking a use permit for commercial cannabis cultivation from the County of San Joaquin Community Development Department (Proposed Project). The Proposed Project is located at 24707 S. Bird Road in Tracy, Ca, on a three-acre parcel in San Joaquin County (County) (APN: 250-100-06) (Project Site). The Proposed Project would be constructed in two phases over three years. Phase one includes the construction of a 10,368-sf building (Building A) containing three greenhouses for cannabis cultivation and conversion of an existing 2,280-sf building (Building D) for office/security purposes. Conversion of Building D would include general construction to meet ADA requirements as well as adding doors for security. An existing 1,440-sf structure would be used for storage of administration documents (Building F). In addition, a stormwater retention basin and two wastewater tanks (to collect excess water generated from greenhouse production) would be constructed, 12 concrete parking stalls would be constructed (7 east of Building A, 2 north of Building E, and 3 north of Building D, one of which is ADA-compliant), and a 50kw emergency back-up diesel generator would be utilized. A base rock access road would be constructed throughout the Project Site to allow access to the greenhouses and provide emergency access to all buildings. Security fencing that is surrounding the property is planned that will meet the requirements of both the sheriff's security requirements and the title fence regulations.

Phase two includes the construction of a 13,824-sf building (Building C) containing four greenhouses and a 5,760-sf building (Building B) containing one greenhouse for cannabis cultivation, the utilization of an existing 5,000-sf agricultural building (Building E) for tractor/equipment storage, and the construction of four additional concrete parking stalls west of Building C. Existing structures situated on the proposed location for Building B will be demolished. The total disturbed area would be 2.16 acres.

The project would be served by a private septic system, two existing on-site wells (agricultural and domestic), natural on-site stormwater drainage, and include exterior downcast safety lighting. The agricultural well would serve the greenhouses, while the domestic well would serve the security office (Building D). Access to the site is off of South Bird Road via a secured automatic gate. The project would include a security system with 24-hour monitoring and a licensed and armed security guard present on site at all times.

The County's issuance of the use permit triggers the need for compliance with the California Environmental Quality Act (CEQA). Therefore, the County has requested CEQA compliance in association with approval of the use permit.

Assessor's Parcel No(s): 250-100-06

Acres: 3 acres

General Plan: A/G (General Agriculture)

Zoning: AG-40 (General Agriculture, 40-acre minimum)

Potential Population, Number of Dwelling Units, or Square Footage of Use(s):

A commercial cannabis cultivation facility (8 greenhouses) totaling 29,952 sf and three existing structures (2,280 sf, 1,440 sf, and 5,000 sf).

Surrounding Land Uses:

- North:** Agricultural, Highway 205 is approximately 0.8 miles north of the project site
- South:** Agricultural/Residential, an existing residence abuts the southern parcel boundary
- East:** Agricultural/Industrial, Highway 5 is approximately 1 mile east of the project site
- West:** Agricultural with scattered residences

References and Sources for Determining Environmental Impacts:

Original source materials and maps on file in the Community Development Department including: all County and City general plans and community plans; assessor parcel books; various local and FEMA flood zone maps; service district maps; maps of geologic instability; maps and reports on endangered species such as the Natural Diversity Data Base; noise contour maps; specific roadway plans; maps and/or records of archeological/historic resources; soil reports and maps; etc.

Many of these original source materials have been collected from other public agencies or from previously prepared EIR's and other technical studies. Additional standard sources which should be specifically cited below include on-site visits by staff; staff knowledge or experience; and independent environmental studies submitted to the County as part of the project application (Biological Memorandum dated January 17, 2022 and a Cultural Resources Report dated January 14, 2022 prepared by Montrose Environmental). Copies of these reports can be found by contacting the Community Development Department.

Tribal Cultural Resources:

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

No. Auburn Rancheria and Buena Vista Rancheria of Me-Wuk Indians were notified of the project in July 2021 and did not request further consultation.

General Considerations:

1. Does it appear that any environmental feature of the project will generate significant public concern or controversy?

Yes No

Nature of concern(s): Enter concern(s) or delete section if not applicable.

2. Will the project require approval or permits by agencies other than the County?

Yes No

Agency name(s): San Joaquin County and Tracy Rural Fire Protection District, County cannabis license from the County's Environmental Health Department and Annual State License from the Department of Cannabis Control.

3. Is the project within the Sphere of Influence, or within two miles, of any city?

Yes No

City: The Project Site is approximately 1.88 miles east of the City of Tracy's sphere of influence. The Project Site is approximately 1.88 miles east of the City of Tracy's sphere of influence.

Attachments

- Attachment A: Site Management Plan/Operations Plan
- Attachment B: Biological Memorandum
- Attachment C: Well Data
- Attachment D: Cultural Resources Letter Report
- Attachment E: Nitrate Loading Study and Soil Suitability Report
- Attachment F: Geotechnical Engineering Report
- Attachment G: Grading Plans
- Attachment H: Modification Request

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 and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology / Soils | <input 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"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

Determination: (To be completed by the Lead Agency) On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Nisa Gordon

Signature

12-6-2022

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

ISSUES:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
<u>I. Aesthetics.</u>					
Except as provided in Public Resources Code Section 21099, would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

The Proposed Project Site is located on the west side of South Bird Road, within the City of Tracy, in San Joaquin County. The on-site developments and improvements are located in flat terrain and the Project Site is in a relatively rural area not frequented by the public. The Project Site is not located near a designated State Scenic Highway or other designated scenic corridor. The nearest eligible State Scenic Highway is Highway 580, approximately 8 miles south of the Project Site, which does not provide views of the Project Site (Caltrans, 2021). Therefore, the Proposed Project would have no impacts on scenic vistas or resources. The Proposed Project would utilize both existing and new structures (including greenhouses) for commercial cannabis cultivation. No outdoor cultivation is proposed with this application, nor permitted in San Joaquin County. Although the Proposed Project would change the visual character of the Project Site by adding buildings and perimeter fencing, the existing structures are similar in appearance to agricultural structures in the vicinity and are not expected to degrade the existing visual character or quality of public views. Therefore, impacts to public views would be less than significant.

The Proposed Project would utilize enclosed structures for all cultivation. Indoor lighting for cultivation would include a mix of natural light and LED lighting; the mixed light cultivation areas would be designed to allow sunlight to be used to provide light most of the year, and supplemented with LED lights when necessary. The proposed greenhouses would be constructed of a twin-wall polycarbonate roof with 80 percent light transmission and 95 percent light diffusion. Light pollution would be reduced by 95 percent through the use of black-out curtains and insulation. Although the Proposed Project would introduce new light sources, all exterior security lighting would only activate via motion-sensor and would be fully shielded, downward casting and would not spill over onto other properties or the night sky, in compliance with Development Title Section 9-1015.5(g). Any proposed lighting would comply with the County's Development Title regulations regarding light and glare. Pursuant to Development Title Section 9-1025.6(b), "no use shall cause glare above 1.0 foot-candles on an adjacent lot developed residentially, zoned for residential use, or shown as residential on the General Plan Map, or cause glare on a street or alley." Therefore, impacts from new lights sources would be less than significant.

Impacts to aesthetics, as a result of the Proposed Project, would be less than significant.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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II. Agriculture and Forestry Resources.

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:

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

Impact Discussion:

This Proposed Project is a commercial cannabis cultivation operation, which is an allowable use within the General Agriculture zoning designation. The Project Site is classified by Department of Conservation California Important Farmland Finder as "Urban and Built-Up Land" (DOC, 2021). The Project Site is not classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, the Proposed Project would not result in the conversion of important farmland to a non-agricultural use. The Project Site is zoned General Agriculture (AG-40). The Project Site is not under a Williamson Act contract. The Proposed Project is not zoned forest land or timberland and does not involve the removal of trees; therefore, the Proposed Project would not result in the loss or conversion of forest land.

The Proposed Project would have no impacts on agriculture and forestry resources.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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III. Air Quality.

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in substantial emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

The San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. The SJVAPCD provided comments on the Proposed Project on December 22, 2021. SJVAPCD reviewed the project, and determined that the project is not expected to exceed any of the District's significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of sulfur (SOx), 15 tons of per year of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). The District also stated that the Proposed Project is not subject to District Rule 9510 (Indirect Source Review), but is subject to District Rule 2201 (New and Modified Stationary Source Review Rule) and District Rule 2010 (Permits Required). The project may also be subject to various other district rules and regulations including: Regulation VIII (Fugitive PM 10 Prohibitions), Rules 4102 (Nuisance), Rules 4601 (Architectural Coatings, and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). At the time of development, the applicant will be required to meet all applicable SJVAPCD rules and regulations.

The Proposed Project has the potential to expose off-site sensitive receptors to air pollutant emissions from construction activities, which include emissions of particulate matter from diesel-fueled engines. Construction-related activities associated with the Proposed Project would generate emissions of criteria air pollutants from site preparation (e.g., grading, trenching, and clearing), off-road equipment, material transport, worker vehicles, and vehicle travel. The generation of dust (fugitive PM10 and PM2.5) during construction activities could adversely affect sensitive receptors and construction workers by exacerbating existing respiratory problems such as asthma. Dust can also adversely affect children and the elderly who are more susceptible to respiratory illnesses. Furthermore, the Proposed Project has the potential to release fumes from volatile organic compounds utilized. This is a potentially significant impact. **Mitigation Measure AQ-1** requires that dust and construction control measures are implemented that would minimize emissions from construction activities. With mitigation, potential air quality impacts would be reduced to less than significant

The Proposed Project would be required to pave access driveways and parking areas in asphalt concrete or pour cement concrete pursuant to Development Title Section 9-1015.5(e). However, the Applicant has submitted a Modification Request (**Attachment I**) to the County, requesting the use of a gravel road per the recommendation of the Project's geotechnical engineer. The Proposed Project does not include on-site store-front retail sales or other uses which would draw cannabis related customers to the site. As a result of the required surfacing, dust generated by the movement of vehicles on to and off of the property related to operation of the Proposed Project is expected to be less than significant.

Regarding odors, the greenhouse structures would include ventilation fans and the applicant proposes to implement activated charcoal air-scrubbers in the greenhouse structures used in the cultivation operation. Supplemental information (**Attachment A**) provided by the applicant as a part of the odor management plan states that all greenhouse doors would remain closed and all staff would be required to take a training course highlighting the importance of closing doors and ensuring exhaust and filtration systems are running as required to minimize on-site odors. The activated charcoal air scrubbers that will be changed at least once every three months. Additionally, the Proposed Project would be subject to the public safety requirements contained in Title 4 of the San Joaquin County Ordinance. Title 4 regulations require that commercial cannabis licensees each operate pursuant to an Odor Control Plan approved by the County's Environmental Health Department as part of their County licensing process. These plans will be filed with the Environmental Health Department as part of the commercial cannabis license applications that must be reviewed and approved prior to operation.

Mitigation Measures:

AQ-1: The following control measures shall be implemented during construction:

- a) Emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area, shall be controlled so that dust does not remain visible in the atmosphere beyond the boundary line of the emission source.
- b) When wind speeds result in dust emissions crossing property lines, and despite the application of dust control measures, grading and earthmoving operations shall be suspended and inactive disturbed surface areas shall be stabilized.
- c) Fugitive dust generated by active operations, open storage piles, or from a disturbed surface area shall not result in such opacity as to obscure an observer's view to a degree equal to or greater than does smoke as dark or darker in shade as that designated as No. 2 on the Ringelmann Chart (or 40 percent opacity).
- d) All exposed soils be watered as needed to prevent dust density as described above and in order to prevent dust from visibly exiting the property.
- e) All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- f) All vehicle speeds on unpaved roads shall be limited to 25 mph.
- g) During construction the contractor shall, where feasible, utilize existing power sources (e.g., power poles) or clean fuel (i.e. gasoline, biodiesel, natural gas) generators rather than temporary diesel power generators.
- h) 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. Signs shall be posted in the designated queuing areas of the construction site to remind off-road equipment operators that idling time is limited to a maximum of 5 minutes.

Impacts to air quality, as a result of the Proposed Project, would be less than significant after mitigation.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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IV. Biological Resources.

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

A Biological Assessment was prepared for the Proposed Project and is included as **Attachment B**. As part of the Biological Assessment, a site visit was conducted on November 19, 2021 in order to assess vegetative communities with the potential to be impacted by the Proposed Project, and other sensitive biological resources. The Biological Assessment reviewed the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants, California Department of Fish and Wildlife (CDFW) California Natural Diversity Database, U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory, and the Natural Resources Conservation Service Soils Report (NRCS, 2019). The USFWS Information for Planning and Consultation was also reviewed to determine special-status species that may occur within the region (USFWS, 2021). For the purpose of this Initial Study, special-status include species that are:

- Ranked by CNPS as List 1 or List 2;
- Listed or proposed for listing as endangered or threatened under the California Endangered Species Act and/or Federal Endangered Species Act;
- Designated as endangered, rare, or fully protected pursuant to the California Fish and Game Code; or
- Designated as a Species of Special Concern by CDFW.

The Project Site includes areas of developed land and ruderal/disturbed habitat. This habitat is characterized by areas or removed orchard which has been graded and partially graveled over. Cheeseweed mallow (*Malva parviflora*) was the predominant ground cover. The northern border of the Project Site was fenced and lined with cedar (*Cedrus spp.*) and interspersed with prickly Russian thistle (*Salsola tragus*). Ornamental plants including California fuchsia (*Epilobium canum*), rose (*rosa sp.*), red valerian (*Caprifoliaceae ruber*), and blueberry (*Vaccinum sect. Cyanococcus*) surround the Project Site boundaries and existing office building. Both the Biological Assessment and site survey concluded that the Project Site lacks suitable habitat for special-status plants. Therefore, there would be no impact to special-status plants.

The Project Site offers habitat with potential to support two species-status animal species: the Swainson's hawk (*Buteo swainsoni*) and the Burrowing Owl (*Anthene cucularia*). Walnut trees (*Juglans spp.*) located within the Subject Property may provide suitable habitat for nesting birds, including Swainson's hawk, and the open field to the north of the Project Site may serve as appropriate foraging habitat. The periphery of the Project Site is less disturbed and the surrounding vegetation may provide cover to wildlife from predators. This area may provide suitable habitat for burrowing owls as small mammal burrows were present along the western border. Ground disturbing activities could result in minor sensory disturbance to birds nesting nearby. Nesting birds are protected under California Fish and Game Code as well as the Migratory Bird Treaty Act, and such disturbance would be a potentially significant impact. **Mitigation Measure BIO-1** would avoid potential impacts to nesting birds by requiring a preconstruction nesting bird survey prior to construction and establishing a disturbance-free buffer around active nests. With implementation of **Mitigation Measure BIO-1**, potential impacts to nesting birds, including special-status bird species, would be less-than significant.

Habitat types on the Project Site include areas of developed land and ruderal/disturbed habitat. Construction activities would be limited to areas of developed land and ruderal/disturbed habitat. Ruderal habitat includes graveled over orchard and existing buildings. Ruderal and cleared orchard habitats are not considered sensitive, and impacts to these habitats would be less than significant. There is designated Critical Habitat for delta smelt mapped on the Project Site (USFWS, 2021c); however, there were no waterways found on the Project Site that would serve as suitable habitat for this species. As stated above, there are no aquatic habitats present on or adjacent to the Project Site. Therefore, no direct conversion of aquatic habitat would occur.

The Project Site is developed and subject to regular disturbance from ongoing agricultural activities. Existing fencing occurs around the Project Site and adjacent vineyards. This area does not provide significant wildlife habitat. The Project Site does not serve as a wildlife corridor or nursery. Lands surrounding the Project Site contain orchards that would not be impacted by the Proposed Project. The Proposed Project would not alter or impact wildlife access or movement and impacts would be less-than-significant.

San Joaquin County has provisions to protect native oak trees, heritage oak trees, and historical trees from removal associated with development projects. However, the Project Site does not contain protected native oaks, heritage oaks, or historical trees. The Proposed Project would not conflict with any local policies protecting biological resources and impacts would be less than significant.

There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans that cover the area of the Project Site. Therefore, the Proposed Project would not conflict with an established or proposed conservation plan. There would be no impact related to adopted habitat or conservation plans.

Mitigation Measures:

BIO-1: Should work commence during the nesting season (February 1 through August 31), a preconstruction nesting bird survey shall be conducted by a qualified biologist no more than 7 days prior to the start of ground disturbing activities. This survey will include the assessment of areas that can be used by burrowing owl (*Athene cucularia*), to ensure that the listed species will not be impacted. Accessible areas within 500 feet of construction shall be surveyed for active nests. Should an active nest be identified, a disturbance-free buffer shall be established by the qualified biologist based on the needs of the species identified. The buffer shall be clearly marked by high-visibility material and shall remain in place until the nest is determined to be no longer active. Ground-disturbing activities, including the removal of trees, shall not occur within the buffer. Should construction cease for a period of five days or more, an additional nesting bird survey shall be conducted.

Impacts to biological resources, as a result of the Proposed Project, would be less than significant after mitigation.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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V. Cultural Resources.

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

In order to identify if any cultural resources were present on the Project Site, Montrose Environmental Solutions (Montrose) completed a record search on November 11, 2021 at the Central California Information Center (CCIC) of the California Historical Resources Information System. Additionally, Montrose sent a request to the Native American Heritage Commission (NAHC) asking for a search of the Sacred Lands File and for a list of contacts who might have information regarding cultural resources within the Proposed Project area. The CCIC reported that no resources have been identified within the Project Site and the NAHC reported no listings in the Sacred Lands file for the Project Site. Montrose conducted a field survey on November 19, 2021. The field survey was completed using two transects across the northern half, then transects behind and between the various structures except the historic residence. Ground surface visibility was very good and no cultural materials were found within the Project Site. Results of the background research and field survey are included in a Cultural Resources Letter Report (**Attachment E**). Additionally, existing shed structures situated on the proposed location for Building B will be demolished in order to construct the new greenhouse; these buildings do not qualify as historical resources.

There is always the potential, however remote, that previously unknown archaeological resources and/or human remains could be encountered during subsurface construction activities. This is a potentially significant impact. Implementation of Mitigation Measures **CR-1** and **CR-2** would provide for the appropriate treatment of inadvertently discovered resources human remains.

Mitigation Measures:

CR-1: All work within 50-feet of the find should be halted until a qualified professional archaeologist can evaluate the significance of the find in accordance with CRHR criteria. Work should not resume in the vicinity of the find until any required mitigation has been completed.

CR-2: If human remains are uncovered, compliance with Section 15064.5 (e) (1) of the CEQA Guidelines and Health and Safety Code Section 7050.5 is required. All project-related ground disturbances within 100-feet of the find should halt until the county coroner has been notified. If the coroner determines that the remains are Native American, the coroner will ask the NAHC to identify a Most Likely Descendant, who will work with the construction contractor, agency officials, and a qualified professional archaeologist to determine an appropriate avoidance strategy or other treatment plan. Project-related ground disturbance in the vicinity of the find should not resume until the process detailed in CEQA Guidelines Section 15064.5 (e) has been completed.

Impacts to cultural resources as a result of the Proposed Project would be less than significant after mitigation.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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VI. Energy.

Would the project:

- | | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Impact Discussion:

Construction of the Proposed Project would consume energy primarily from fuel consumed by construction vehicles and equipment. Fossil fuels used for construction vehicles and other equipment would be used during site preparation and trenching. Fuel consumed during construction would be temporary in nature and would not represent a significant demand on available fuel. There are no unusual characteristics that would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or State.

Once operational, the Proposed Project would consume energy for the purposes of cultivation, security lighting/cameras, and general domestic uses. The Proposed Project would temporarily utilize a back-up diesel generator only in the event of an emergency where PG&E was not available. The proposed greenhouse structures would be made of opaque metal siding and a twin-wall polycarbonate translucent roof with 80 percent light transmission and 95 percent light diffusion. Mixed light cultivation would occur through a combination of natural light and LED lighting. Energy would be supplied through PG&E. The anticipated energy demand for the Proposed Project is approximately 2,400 kilowatt-hours (KWh) per day (see **Attachment 1**). This represents a normal energy demand in relation to the size of the proposed facilities. Energy would only be used to the extent necessary to run the Proposed Project operations. Therefore, operation of the Proposed Project would not result in inefficient, wasteful, or unnecessary consumption of energy resources.

Furthermore, the Proposed Project would promote energy efficiency through building design. LED energy-efficient lighting would be implemented in the greenhouse buildings. Additionally, sensor-driven environmental control systems combined with high-efficiency heating and ventilation equipment, including energy efficient dehumidification systems and ventilation fans would be utilized in the greenhouses. All buildings would be equipped with electronic thermostats with advanced sensors for accurate temperature control and monitoring of climatic data in real-time.

The project proposes to use regulations from The California Energy Code (also titled The Energy Efficiency Standards for Residential and Non-Residential Buildings), which was created by the California Building Standards Commission in response to a legislative mandate to reduce California's energy consumption. The Code's purpose is to advance the state's energy policy, develop renewable energy sources and prepare for energy emergencies. These standards are updated periodically by the California Energy Commission. The code includes energy conservation standards applicable to most buildings throughout California. These requirements will be applicable to the proposed project, and will be triggered at the time of building permit application, ensuring that any impact to the environment due to wasteful, inefficient, or unnecessary consumption of energy will be less than significant and preventing any conflict with state or local plans for energy efficiency and renewable energy. Considering the re-use of existing buildings and the design of greenhouse facilities, the Proposed Project would not conflict with or obstruct state or local plan for renewable energy or energy efficiency.

Impacts to energy, as a result of the Proposed Project, would be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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VII. Geology and Soils.

Would the project:

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

Impact Discussion:

A Geotechnical Engineering Report was completed for the Proposed Project (**Attachment G**), which concluded that the Proposed Project is feasible from a geotechnical standpoint. Although the Project Site is located in an area that may be subject to seismic ground shaking in the future, there are no mapped surface faults on the Project Site that would have the potential to rupture. The nearest fault, Vernalis Fault, is located approximately one mile north of the Project Site, with additional fault complexes west of Tracy (DOC, 2021a). Additionally, the Proposed Project would be required to comply with the California Building Code (CBC), which includes provisions for foundations as well as design criteria for seismic loading and other geologic hazards based on fault and seismic hazard mapping. Therefore, impacts related to seismic ground shaking or failure would be less than significant.

The Project Site is relatively flat and would therefore not be susceptible to landslides. According to the California Department of Conservation Earthquake Zones of Required Investigation mapper, the Project Site is not located within a California Geological Survey-identified Liquefaction or Landslide zone (DOC, 2021b). Impacts relating to landslides and liquefaction are less than significant.

According to the USDA Web Soil Survey, the majority of the soils on the Project Site are made up of Vernalis clay loam and Capay clay (NRCS, 2019). These soils tend to have a low erosion potential and are generally well drained. The Proposed Project includes the re-use/conversion of existing structures and the construction of new structures on relatively flat terrain. Grading would occur, including approximately 3,075 cy of cut, 225 cy of fill, for a net export of 2,850 cy. However, ground disturbance would occur related to the installation of the stormwater retention basin, cannabis wastewater tanks, and minor trenching. As the site is relatively level, cuts and fills during earthworks are anticipated to be minimal, with two feet or less in the vertical extent and excavations for underground utilities not anticipated to exceed five feet below grade (**Attachment G**). This ground disturbance could potentially result in soil erosion. This would be a potentially significant impact. However, as discussed in **Section X** below, **Mitigation Measure HYD-1** would ensure impacts related to erosion would be less than significant. Therefore, the Proposed Project would not result in substantial soil erosion or the loss of topsoil and impacts to soil erosion or loss of topsoil would be less than significant.

The Proposed Project would be served by two existing onsite septic tanks. Soil types on the Project Site are well drained and currently support existing septic tanks. Furthermore, a Nitrate Loading Study and Soil Suitability Report (**Attachment F**) was completed for the Proposed Project, as required by the County's Environmental Health Department. The report determined that the existing two septic tanks are capable of adequately servicing the Proposed Project and that soils on the Project Site appear conducive for septic tank use. The Nitrate Loading Study and Soil Suitability Report also concluded that the uses related to the Proposed Project would be less intensive than current uses, with less hydraulic and nitrate loading compared to existing conditions. No additional septic tanks are proposed. Therefore, the Proposed Project and Project Site soils have the ability to continue supporting the two existing septic tanks.

There are no known paleontological or unique geological features present on the Project Site (**Attachment B**). There is always the potential, however remote, that previously unknown unique paleontological resources or sites could be encountered during subsurface construction activities. This is a potentially significant impact. In the event that paleontological resources or sites are found, **Mitigation Measure GEO-1** would ensure that the Proposed Project would not directly or indirectly destroy a unique paleontological resource or site. After implementation of **Mitigation Measure GEO-1**, impacts to paleontological resources would be less than significant.

Mitigation Measures:

GEO-1: In the event of any inadvertent discovery of paleontological resources, all work within a 50-foot radius of the find shall be halted and the County shall be notified. Workers shall avoid altering the materials until a professional paleontologist can evaluate the significance of the find and make recommendations to the County on the measures that shall be implemented to protect the discovered resources.

Impacts to geology and soils, as a result of the Proposed Project, would be less than significant with Mitigation.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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VIII. Greenhouse Gas Emissions.

Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

Generally, the emissions of GHGs contributing to global climate change are a cumulative issue attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, city, and virtually every individual on Earth. An individual project's direct GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable contribution to climate change depending on the amount of GHG emissions that would be generated. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

Implementation of the proposed project would result in a cumulative contribution to global GHG emissions. Estimated GHG emissions, given the size and nature of the project, are considered less than significant compared to the global scale of emissions. Estimated GHG emissions attributable to future regional development would be primarily associated with increases of carbon dioxide (CO₂) and, to a lesser extent, other GHG pollutants such as methane (CH₄) and nitrous oxide (N₂O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The primary source of GHG emissions for the project would be mobile source emissions from the three employees anticipated to be on-site during a twenty-four (24) hour day and related deliveries (see Transportation Section below), and minimal agricultural related emissions.

As noted previously, the proposed project will be subject to the rules and regulations of the SJVAPCD. The SJVAPCD has adopted the Guidance for Valley Land- use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA and the District Policy - Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency (SJVAPCD, 2015). The guidance and policy rely on the use of performance-based standards, otherwise known as Best Performance Standards (BPS) to assess significance of project-specific greenhouse gas emissions on global climate change during the environmental review process, as required by CEQA. To be determined to have a less-than-significant individual and cumulative impact with regard to GHG emissions, projects must include BPS sufficient to reduce GHG emissions by 29 percent when compared to Business As Usual (BAU) GHG emissions. Per the SJVAPCD, BAU is defined as projected emissions for the 2002-2004 baseline period. Projects which do not achieve a 29 percent reduction from BAU levels with BPS alone are required to quantify additional project-specific reductions demonstrating a combined reduction of 29 percent. The project is expected to meet BPS through the use of on-site renewable energy (e.g. solar photovoltaic systems), and potentially exceeding Title 24 energy efficiency standards through the use of energy-efficient lighting and control systems, the installation of energy-efficient mechanical systems, the installation of drought-tolerant landscaping, efficient irrigation systems, and the use of low-flow plumbing fixtures.

It should be noted that neither the SJVAPCD nor the County provide project-level thresholds for construction-related GHG emissions. The proposed project would not result in significant construction of GHG related emissions because the project will largely be re-using existing buildings and construction of new greenhouse structures. Minimal construction GHG emissions are a one-time and short-term release and, therefore, would not generate a significant contribution to global climate change.

Impacts to greenhouse gas emissions as a result of the Proposed Project would be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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IX. Hazards and Hazardous Materials.

Would the project:

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

Impact Discussion:

Materials associated with the cultivation of commercial cannabis, such as fertilizers, pesticides, cleaning solvents, and gasoline, could be considered hazardous if improperly stored, disposed of, or transported. However, as stated in the Site Management Plan/Operations Plan (**Attachment A**), staff would be trained on the proper use, storage, and disposal requirements for hazardous waste. The Proposed Project includes storage areas for chemicals that would be designed and located consistent with State and local guidelines. The proposed process for disposal includes temporarily storing all used hazardous waste in labeled, plastic-lined metal cans or drums until it can be removed off site for disposal. The San Joaquin County Environmental Health Department requires the owner/operator to report to the California Environmental Reporting System before any hazardous materials/waste can be stored or used onsite.

Cannabis vegetative waste would be chipped and stored onsite for composting. The Proposed Project shall comply with Division 10, Section 4-10035(r) of the San Joaquin County Code Ordinance, which specifies that all Commercial Cannabis Licensees shall dispose of all cannabis waste and hazardous materials in a manner that meets applicable State and County requirements and is consistent with its waste management plan.

Additionally, wastewater associated with cannabis cultivation would be pumped from the greenhouses to two 500-gallon proposed in-ground wastewater tanks. The tanks would be emptied and trucked off site by a certified hazardous waste service approximately once per month.

The Proposed Project would be regulated by Title 4, Section 8307 of the Department of Cannabis Control Regulations which states:

- a) Licensees shall comply with all pesticide laws and regulations enforced by the Department of Pesticide Regulation.
- b) For all pesticides that are exempt from registration requirements, licensed cultivators shall comply with all applicable pesticide statutes and regulations enforced by the Department of Pesticide Regulation and the following pesticide application and storage protocols:
 - 1) Comply with all pesticide label directions;
 - 2) Store chemicals in a secure building or shed to prevent access by wildlife;
 - 3) Contain any chemical leaks and immediately clean up any spills;
 - 4) Apply the minimum amount of product necessary to control the target pest;
 - 5) Prevent offsite drift;
 - 6) Do not apply pesticides when pollinators are present;
 - 7) Do not allow drift to flowering plants attractive to pollinators;
 - 8) Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies;
 - 9) Do not apply pesticides when they may reach surface water or groundwater; and
 - 10) Only use properly labeled pesticides. If no label is available consult the Department of Pesticide Regulation.

For commercial cannabis cultivation, any pesticide or herbicide use associated with its production is subject to the same rules and regulations as any other agricultural crop. Compliance with these State and local regulations is administered by the Agricultural Commissioner that is the local enforcement authority for the California Department of Food and Agriculture and the California Department of Pesticide Regulation. Compliance with these regulations would ensure impacts related to the use of potentially hazardous materials are less-than-significant.

The Project Site is not classified as being within a flood zone or inundation area, nor is it in an area mapped as having unstable soils according to the USDA Web Soil Survey (NRCS, 2019). Therefore, the Project Site would not be specifically susceptible to accident conditions involving the release of hazardous materials into the environment.

The Proposed Project is in a rural location and is not located within one-quarter mile of an existing or proposed school. The Project Site is not listed as a site containing hazardous materials in the Department of Toxic Substances Control EnviroStor database (EnviroStor, 2022) or the State Water Resources Control Board's GeoTracker database (GeoTracker, 2022). The Proposed Project is not located within an airport land use plan and not located within two miles of a public airport or private airstrip. The nearest airport is the Tracy Municipal Airport, approximately 4.8 miles southwest of the Project Site.

The Proposed Project was referred to the South San Joaquin County Fire Authority, who provided feedback on December 13, 2021. The Proposed Project would comply with all suggested measures related to emergency access, such as construction of all-weather access roads with a minimum 20-foot unobstructed width and a truck turning radius of 29-feet and 9-inches inside and 47-feet and 7-inches outside of the entrance. In addition, construction of the Proposed Project would occur within the boundary of the Project Site and would not result in lane closures and thus would not affect emergency access or evacuation and would not interfere with an adopted emergency response or evacuation plan.

The Proposed Project is not located within a High Fire Hazard Severity Zone (FRAP, 2021) and is largely surrounded by developed and irrigated agricultural land which is not particularly susceptible to wildland fires. The Applicant would adhere to all Federal, State, and local fire requirements/regulations for setbacks and defensible space; these setbacks are applied at the time of building permit review. Additionally, all fire protection requirements listed in the South San Joaquin County Fire Authority letter dated December 13, 2021, were included in the Proposed Project, with the exception of surfacing the site with asphalt pursuant to Development Title Section 9-1015.5(e). The Applicant has submitted a Modification Request (**Attachment I**) to the County, requesting the use of a gravel road per the recommendation of the Project's geotechnical engineer. This request would be reviewed at the time of Project approval.

Impacts from hazards and hazardous materials as a result of the Proposed Project would be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
<u>X. Hydrology and Water Quality.</u>					
Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

No water resources exist on or in the vicinity of the Project Site. However, construction of the Proposed Project could potentially violate water quality standards or waste discharge requirements, as construction equipment and materials have the potential to result in accidental discharge of pollutants which could potentially migrate to nearby water resources or groundwater. This would be a potentially significant impact. Potential pollutants include particulate matter, sediment, oils and greases, concrete, and adhesives. Mitigation Measure **HYD 1** would require construction activities to employ erosion and sediment control BMPs and/or obtain coverage under the NPDES Construction General Permit for construction activities, as necessary. Disturbed areas would be restored to pre-construction conditions and once operational. The Proposed Project would not generate potential pollutants that could affect water quality. With implementation of **Mitigation Measure HYD-1**, impacts related to water quality standards would be less than significant.

The Proposed project would utilize the existing agricultural and domestic wells on site, which draw from groundwater. According to the Proposed Project's Site Management /Operations Plan (**Attachment A**), the estimated daily water use for the Proposed Project would be approximately 7,800 gallons per day (7,500 gallons for cultivation and 300 gallons for domestic uses). This amount of water use is not expected to substantially decrease groundwater supplies. Additionally, the Proposed Project includes design features to reduce water consumption, such as implementation of a drip-irrigation system, drain water capturing system, and a timed fertilizer/water injection system. Irrigation would use a low flow emitter drip system to minimize water used for landscaping and all plumbing features would be low flow water saving fixtures, per the California Energy Code. The Project Site is located on the Tracy Sub-basin, considered a medium priority groundwater basin as designated by DWR. San Joaquin County has adopted a Comprehensive Groundwater Quality Management Plan (2017) that present's approaches to eliminating/reducing impairments of beneficial uses of groundwater although there are no thresholds in the County for groundwater depletion related to cannabis cultivation. However, the Proposed Project's current wells include water meters; the Applicant would provide a record of all data collected to the County upon request. Furthermore, the Proposed Project includes a minimum amount of new impervious surfaces, which is not expected to impede groundwater recharge.

The Proposed Project would not substantially alter the existing drainage pattern of the Project Site or surrounding area, as no major grading is proposed and disturbed areas would be restored to pre-construction conditions. However, construction of the Proposed Project has the potential to result in temporary minor erosion and siltation. This would be a potentially significant impact. **Mitigation Measure HYD-1** would require construction activities to employ erosion and sediment control BMPs and/or obtain coverage under the NPDES Construction General Permit for construction activities, as necessary. This would include implementation of BMPs during construction to reduce the potential for impacts associated with erosion and exceeding water quality thresholds. Implementation of BMPs such as fiber rolls, hay bales, and silt fencing, would reduce the potential for sediment and stormwater runoff containing pollutants from entering receiving waters. With implementation of **Mitigation Measure HYD-1**, impacts related to alterations in drainage patterns and impervious surfaces would be less than significant.

Development Title Section 9-1135.2 requires all development projects to provide drainage facilities within and downstream from the development project. Accordingly, the Proposed Project includes construction of a stormwater retention basin. On December 20, 2021, San Joaquin County Mosquito & Vector Control District submitted a comment letter for the Proposed Project, which requires the Applicant incorporate mosquito prevention BMPs related to the stormwater retention basin. **Mitigation Measure HYD-2** includes these BMPs.

The Project Site is not classified as being within a flood zone and is not expected to impede/ redirect flood flows or cause the release of pollutants due to project inundation.

Mitigation Measures:

HYD-1: If it's determined that the project requires coverage under the NPDES Construction General Permit, the Applicant shall obtain coverage prior to initiation of construction activities. The SWRCB requires that construction sites have adequate control measures to reduce the discharge of sediment and other pollutants to streams to ensure compliance with Section 303 of the CWA. To comply with the NPDES permit, a Notice of Intent shall be filed with the SWRCB and a SWPPP shall be approved prior to construction. The SWPPP shall include a detailed, site-specific listing of the potential sources of stormwater pollution; pollution prevention measures (erosion and sediment control measures and measures to control non-stormwater discharges and hazardous spills) including a description of the type and location of erosion and sediment control BMPs to be implemented at the Project Site; and a BMP monitoring and maintenance schedule to determine the amount of pollutants leaving the Project Site. A copy of the SWPPP shall be kept on the Project Site.

If it's determined that coverage under the NPDES Construction General Permit is not required, the following water quality BMPs recommended by the Construction General Permit shall nonetheless be employed:

- Areas where ground disturbance occurs shall be identified in advance of construction and limited to approved areas.
- Vehicular construction traffic shall be confined to the designated access routes and staging areas.
- Equipment maintenance and cleaning shall be confined to staging areas. No vehicle maintenance shall occur on-site during construction.
- Disturbed areas shall be restored to pre-construction contours to the extent possible.
- Hay/straw bales and silt fences shall be used to control erosion during stormwater runoff events.
- The highest quality soil shall be salvaged, stored, and used for native re-vegetation/seeding.

- Drainage gaps shall be implemented in topsoil and spoil piles to accommodate/reduce surface water runoff.
- Sediment control measures shall be in place prior to the onset of the rainy season and will be maintained until disturbed areas have been re-vegetated. Erosion control structures shall be in place and operational at the end of each day if work activities occur during the rainy season.
- Fiber rolls shall be placed along the perimeter of disturbed areas to ensure sediment and other potential contaminants of concern are not transported off-site or to open trenches. Locations of fiber rolls will be field adjusted as needed.
- Vehicles and equipment stored in the construction staging area shall be inspected regularly for signs of leakage. Leak-prone equipment will be staged over an impervious surface or other suitable means will be provided to ensure containment of any leaks. Vehicle/equipment wash waters or solvents will not be discharged to surface waters or drainage areas.
- During the rainy season, soil stockpiles and material stockpiles will be covered and protected from the wind and precipitation. Plastic sheeting will be used to cover the stockpiles and straw wattles will be placed at the base for perimeter control.
- Contractors shall immediately control the source of any leak and immediately contain any spill utilizing appropriate spill containment and countermeasures. Leaks and spills shall be reported to the designated representative of the lead contractor. Contaminated media shall be collected and disposed of at an off-site facility approved to accept such media.

HYD-2:

General Stormwater Management Mosquito Control BMPs

- Ensure Mosquito Control Agencies have access to infrastructure to inspect or make appropriate treatments when necessary.
- Manage sprinkler and irrigation systems to minimize runoff entering stormwater infrastructure.
- Avoid intentionally running water into stormwater systems by not washing sidewalks and driveways, washing cars on streets or driveways, etc.
- Inspect facilities weekly during warm weather for the presence of standing water or immature mosquitoes.
- Remove emergent vegetation and debris from gutters and channels that accumulate water.
- Consider mosquito production during the design, construction, and maintenance of stormwater infrastructure.
- Design and maintain systems to fully discharge captured water in 96 hours or less.
- Include access for maintenance in system design.
- Design systems with permanent water sources such as wetlands, ponds, sumps, and basins to minimize mosquito habitat and plan for routine larval mosquito inspection and control activities with the assistance of a local mosquito control program.

Stormwater Treatment Ponds and Constructed Treatment Wetlands

- Whenever possible, stock stormwater ponds and constructed wetlands with mosquito-eating fish available from local mosquito control programs.
- Design and maintain accessible shorelines to allow for periodic maintenance and/or control of emergent and shoreline vegetation, and routine monitoring and control of mosquitoes. Emergent plant density should be routinely managed so mosquito predators can move throughout the vegetated areas and are not excluded from pond edges.
- Whenever possible, design and maintain deep zones in excess of four feet (1.2 m) to limit the spread of invasive emergent vegetation such as cattails. The edges below the water surface should be as steep as practicable and uniform to discourage dense plant growth that may provide immature mosquitoes with refuge from predators and increased nutrient availability.
- Use concrete or liners in shallow areas to discourage plant growth where vegetation is not necessary.
- Whenever possible, provide a means for easy dewatering if needed.
- Manage the spread and density of floating and submerged vegetation that encourages mosquito production (i.e., water hyacinth, water primrose, parrot's feather, duckweed, and filamentous algal mats).
- If possible, compartmentalize managed treatment wetlands so the maximum width of ponds does not exceed two times the effective distance (40 feet [12 m]) of land-based application technologies for mosquito control agents.

Impacts to hydrology and water quality, as a result of the Proposed Project, would be less than significant after mitigation.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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XI. Land Use and Planning.

Would the project:

- | | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Impact Discussion:

Projects that have the potential to physically divide an established community typically include new freeways and highways, major arterials streets, and railroad lines. The Proposed Project would not physically divide an established community. No impact would occur.

The Project Site is zoned General Agriculture (AG-40) and under a General Plan designation of General Agriculture, which are allowable designations per County guidelines for commercial cannabis cultivation. The Proposed Project would not alter the zoning or General Plan land use designations. Therefore, the Proposed Project would not conflict with any existing land use plans, policies, or regulations. The Proposed Project is not in conflict with any Master Plans, Specific Plans, or Special Purpose Plans, or any other applicable plan adopted by the County. The Proposed Project is also subject to a Development Agreement application, which must be approved by the San Joaquin County Board of Supervisors. The Use Permit and Development Agreement applications are being processed concurrently, and will be reviewed as one project by the Planning Commission and ultimately, the Board of Supervisors.

Impacts to land use and planning, as a result of the Proposed Project, would be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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XII. Mineral Resources.

Would the project:

- | | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Impact Discussion:

San Joaquin County applies a mineral resource zone (MRZ) designation to land that meets the significant mineral deposits definition by the State Division of Mines and Geology. The Project Site is located in MRZ-1, which is described as "Areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence." The Project Site is currently developed and is surrounded by existing agricultural development with no active mineral extraction. Furthermore, the United States Geological Survey Mineral Resource Data System does not identify any records of mineral resources within Project Site (USGS, 2021).

The Proposed Project would have no impacts on mineral resources.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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XIII. Noise.

Would the project result in:

- | | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) For a project within the vicinity of a private airstrip or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Impact Discussion:

The Proposed Project will not generate a substantial increase to ambient noise levels or excessive ground borne vibration and noise in the vicinity of the project site. The cultivation, manufacturing, and distribution activities will take place indoors; no outdoor cultivation is proposed or permitted with this application. No customers will be permitted on site, only deliveries for the Proposed Project.

The Proposed Project located approximately 90 feet north of the nearest residence. Development Title Section 9-1025.9 lists the Residential use type as a noise sensitive land use. Development Title Section Table 9-1025.9 Part II states that the maximum sound level for stationary noise sources during the daytime is 70 dB and 65dB for nighttime. This applies to outdoor activity areas of the receiving use, or applies at the lot line if no activity area is known. Additionally, Development Title Section 9-1025.9(c)(3) states that noise from construction activities are exempt from noise standards provided the construction occurs no earlier than 6:00 A.M. and no later than 9:00 P.M. The proposed project would be subject to these Development Title standards. Therefore, noise impacts from the Proposed Project are expected to be less than significant. The Proposed Project is not located within an airport land use plan or within two miles of a public airport or private airstrip.

Impacts to noise, as a result of the Proposed Project, would be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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XIV. Population and Housing.

Would the project:

- | | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Impact Discussion:

The Proposed Project does not involve the construction of homes or facilities that would directly or indirectly induce unplanned population growth or displace existing people or housing. The Project Site's existing access is located off of South Bird Road, and the project proposes to utilize all on-site services for water, wastewater, and stormwater retention. No new utilities or infrastructure would be constructed that could potentially induce unplanned population growth.

The Proposed Project would have no impact on population and housing.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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XV. Public Services.

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

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

Impact Discussion:

The Proposed Project does not involve housing or other uses that would necessitate the need for new or altered government facilities.

The Proposed Project was referred to the San Joaquin County Fire Authority, who provided feedback on December 13, 2021. All fire protection suggestions were included in the Proposed Project with the exception of paving the site with asphalt pursuant to Development Title Section 9-1015.5(e). The Applicant has submitted a Modification Request (**Attachment I**) to the County, requesting the use of a gravel road per the recommendation of the Project's geotechnical engineer. This request would be reviewed at the time of Project approval. The Proposed Project has appropriate water resources for fire emergencies and would be required to conform to all fire protection and prevention requirements. Additionally, the Proposed Project will adhere to the turning radii requirements set forth by the South San Joaquin Fire Authority for both the inside and outside entrances. The Proposed Project is not expected to increase demand on fire services since the project would be required to meet all applicable building, fire, and planning codes. Based on these factors, impacts on fire protection are anticipated to be less than significant.

The Proposed Project was referred to the San Joaquin County Sheriff Office for review, which provided feedback on July 29, 2021. All security suggestions were included in the Proposed Project design and comprehensive security plan. In addition, the Proposed Project would adhere to the San Joaquin County Code regarding the security plan and operational requirements for cannabis cultivation (San Joaquin, 2021c). With these ordinance requirements in place, the Proposed Project is not expected to impact the performance objectives of the San Joaquin County Sheriff Office. Therefore, impacts on police protection are anticipated to be less than significant.

Adding new development and workers always has the potential to result in the need for police or fire services. However, this would represent an insignificant increase in demand and is not expected to result in unacceptable service ratios or response times. Significant impacts to fire or police protection, schools, parks or other public facilities are not anticipated.

Impacts to public services, as a result of the Proposed Project, would be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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XVI. Recreation.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Impact Discussion:

The Proposed Project does not include a residential component nor is it anticipated that the proposed operation would cause a significant population increase such that the existing neighborhood or regional parks and other public facilities would be negatively impacted. Additionally, no new recreational facilities are proposed as part of the Proposed Project, nor is it anticipated that the Proposed Project would generate population growth which might require new or expanded recreational facilities.

The Proposed Project would have no impact on recreation.

	Less Than Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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XVII. Transportation.

Would the project:

a) Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

Access to the Proposed Project would be provided by South Bird Road. Construction of the Proposed Project would temporarily result in a negligible increase in traffic volumes in the vicinity of the Project Site. Eight greenhouses are proposed to be built, with approximately one greenhouse built every three months. Vehicular trips from construction would consist of worker trips and deliveries of equipment and materials to and from the Project Site (up to 10 construction worker trips per day and one construction delivery per month). The temporary increase in trips due to construction of the Proposed Project would not cause a significant change to roadway level of service.

Operation of the Proposed Project would generate limited traffic from infrequent deliveries and employee trips. During operations, a maximum number of three employees could potentially be present. Operations would require three shifts per day, and shifts would be seven days a week, from the hours of 7:00 AM. to 4:00 P.M. One security guard is on site 24 hours a day. Regular employee trips would result in approximately three roundtrip employee trips per day. Approximately one supply delivery would occur per day. A single, monthly wastewater pumping trip would also occur. Therefore, up to four trips could potentially occur per day along with one monthly wastewater pumping trip. Operation of the Proposed Project would not constitute a substantial increase in traffic, and would not cause a significant change to roadway level of service. There would be a less-than-significant impact.

The Office of Planning and Research (OPR) Technical Advisory contains screening thresholds for land use projects and suggests lead agencies may screen out vehicle miles travelled (VMT) impacts using project size, maps, and transit availability. For small land use projects anticipated to generate fewer than 110 trips per day, absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, may be assumed to cause a less-than significant impact. As described above, operation of the Proposed Project would generate a maximum of 4 trips per day. Therefore, as the number of additional trips generated by the Proposed Project is below the 110-trip screening threshold for VMT impacts contained in the OPR Technical Advisory, the Proposed Project can be assumed to cause a less-than-significant transportation impact related to vehicle miles traveled.

The Proposed Project does not include modification to the existing roadways or design features that would increase hazards. Construction of the Proposed Project would occur within the Project Site boundary and would not result in lane closures and thus would not affect emergency access or evacuation. Pursuant to Development Title Section 9-1015.5(h)(1), the Proposed Project would be served by a driveway no less than twenty (20) feet in width to comply with fire access requirements. As a result, the Proposed Project would provide adequate emergency access. Pursuant to Development Title Section 9-1015.5(e), all parking spaces, driveways, and maneuvering areas are required to be surfaced and permanently maintained with asphalt concrete. However, the Applicant has submitted a Modification Request (**Attachment I**) to the County, requesting the use of a gravel road per the recommendation of the Project's geotechnical engineer. This request would be reviewed at the time of Project approval.

Impacts to transportation, as a result of the Proposed Project, would be less than significant.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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XVIII. Tribal Cultural Resources.

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Impact Discussion:

The Community Development Department has provided notice to tribal representatives culturally and historically tied to the area. Consultation under AB 52 was not requested; however, the Buena Vista Rancheria of Me-Wuk Indians requested in a July 23, 2021 letter, that if tribal cultural resources are inadvertently discovered, the Buena Vista Rancheria should be notified. **Mitigation Measure TCR-1** would ensure the Buena Vista Rancheria is notified of any inadvertently discovered tribal cultural resources. No cultural resources were identified during investigations or in consultation with Native American tribes. However, there is the possibility that unanticipated discoveries of subsurface archaeological deposits or human remains may occur. This is a potentially significant impact. Formal consultation under AB 52 and the application of **Mitigation Measures CR-1** and **CR-2** would reduce impacts to tribal cultural resources to a less than significant level.

Mitigation Measures:

TCR-1: If any tribal cultural resources are discovered during construction of the project, the Buena Vista Rancheria shall be notified.

Impacts to tribal cultural resources, as a result of the Proposed Project, would be less than significant with mitigation.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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XIX. Utilities and Service Systems.

Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

The Proposed Project would be served by two existing private septic systems, two existing on-site wells (agricultural and domestic), a proposed stormwater retention basin, and existing electrical and telecommunication services. New facilities would not be required. The existing structures on site are provided power by Pacific Gas and Electric (PG&E). Services would be extended to the proposed buildings; new electrical lines or facilities would not be required. Stormwater would be managed on site, as the Proposed Project includes the construction of a stormwater detention basin between Proposed Buildings A and B. The environmental effects of Proposed Project elements are analyzed throughout this Initial Study. All existing utility infrastructure were originally constructed under a County permit and would continue to comply with County regulations. No offsite utility improvements would be needed to serve the Proposed Project.

According to the Proposed Project's Site Management /Operations Plan (**Attachment A**), the estimated daily water use for the Proposed Project would be approximately 7,800 gallons per day (7,500 gallons for cultivation and 300 gallons for domestic uses). A well completion report for the agricultural well (**Attachment C**) conducted on November 23, 2010 indicated that the existing agricultural well was capable of producing 40 to 45 gallons per minute. A well performance letter for the domestic well (**Attachment C**) completed August 29, 2022 and indicated that the existing domestic well was capable of producing 22 gallon per minute. The Proposed Project would utilize the agricultural well for cultivation activities and the domestic well for the security office (Building D). The two existing wells have sufficient water supplies to serve the Proposed Project.

The Proposed Project would require very minimal domestic wastewater treatment services; two existing on-site septic tanks would provide wastewater treatment. Wastewater associated with cannabis cultivation is expected to be minimal (150 gallons per month) due to proposed water conservation methods, and would be pumped from the greenhouses to two 500-gallon proposed in-ground wastewater tanks.

The tanks would be emptied and trucked off site by a certified hazardous waste service approximately once per month. The Proposed Project would generate green waste associated with cultivation activities. All green waste would be transferred to a chipper and combined with non-cannabis materials for onsite composting. General solid waste would be minimal, generated from general administrative activities, and would be disposed of weekly at Tracy Delta Solid Waste in Tracy. The Applicant shall adhere to all Federal, State and Local regulations regarding wastewater treatment and water usage requirements.

Impacts to utilities and service systems, as a result of the Proposed Project, would be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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XX. Wildfire.

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

Construction of the Proposed Project would occur within the Project Site boundaries and would not result in lane closures and thus would not affect emergency access or evacuation. As defined by CAL FIRE, the Project Site is located within a Local Responsibility Area Un-zoned Fire Hazard Severity Zone (FRAP, 2021). The project site is not located in or near a moderate, high, or very high fire zone designation. The entire Project Site is relatively flat and construction and/or maintenance of infrastructure associated with the Proposed Project does not involve any unique elements that would exacerbate fire risk. The Proposed Project does not propose major grading and drainage patterns would not be modified; therefore, the Proposed Project is not expected to result in flooding or landslides as a result of post-fire slope instability or drainage changes.

The proposed Project would have no impacts regarding wildfire.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in The Prior EIR
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XXI. Mandatory Findings of Significance.

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

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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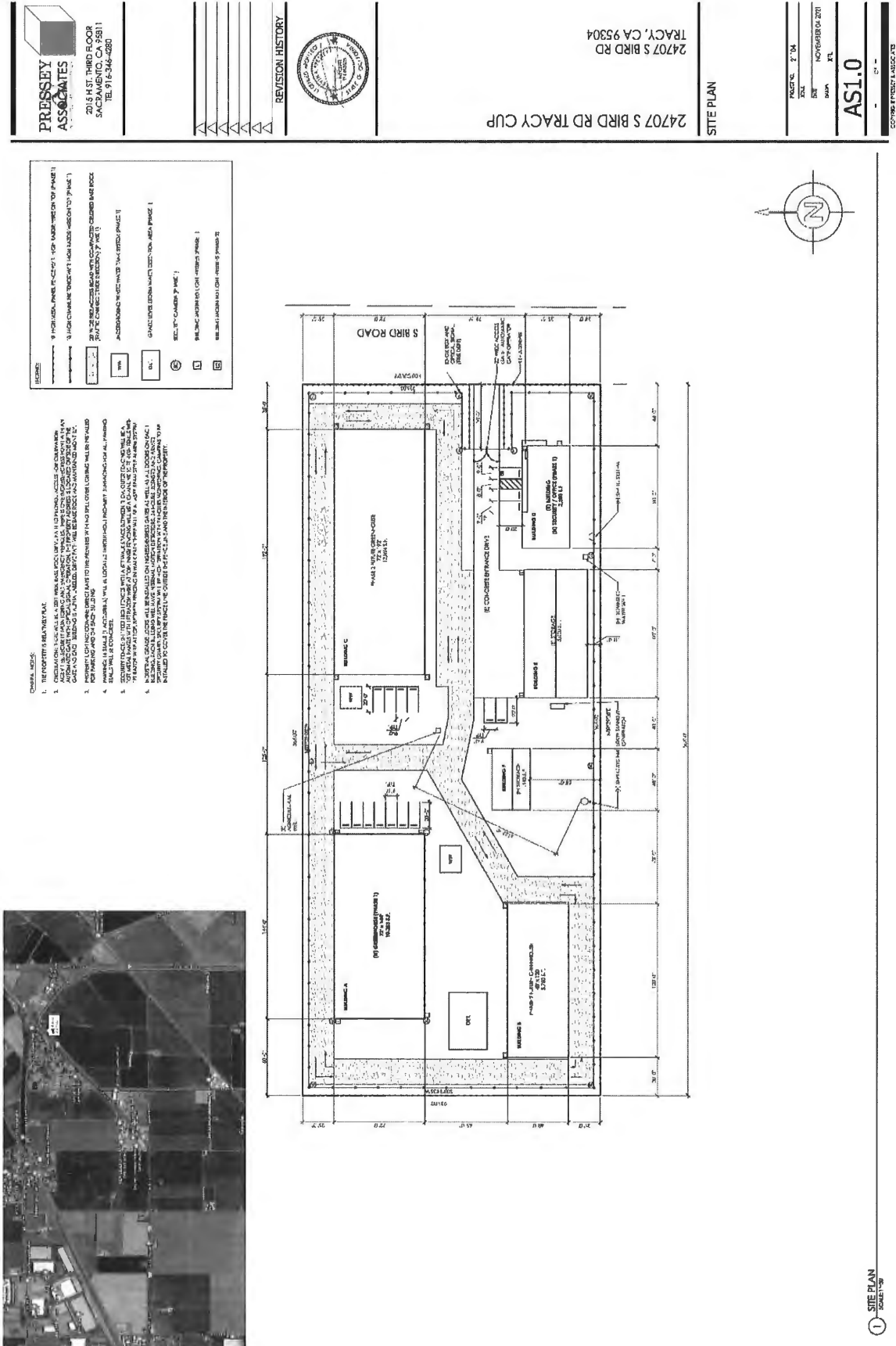
Impact Discussion:

As discussed in the previous sections, the Proposed Project could potentially have significant environmental effects with respect to Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, and Tribal Cultural Resources. However, the impacts of the Proposed Project would be reduced to a less than significant level with the implementation of the mitigation measures identified in the sections.

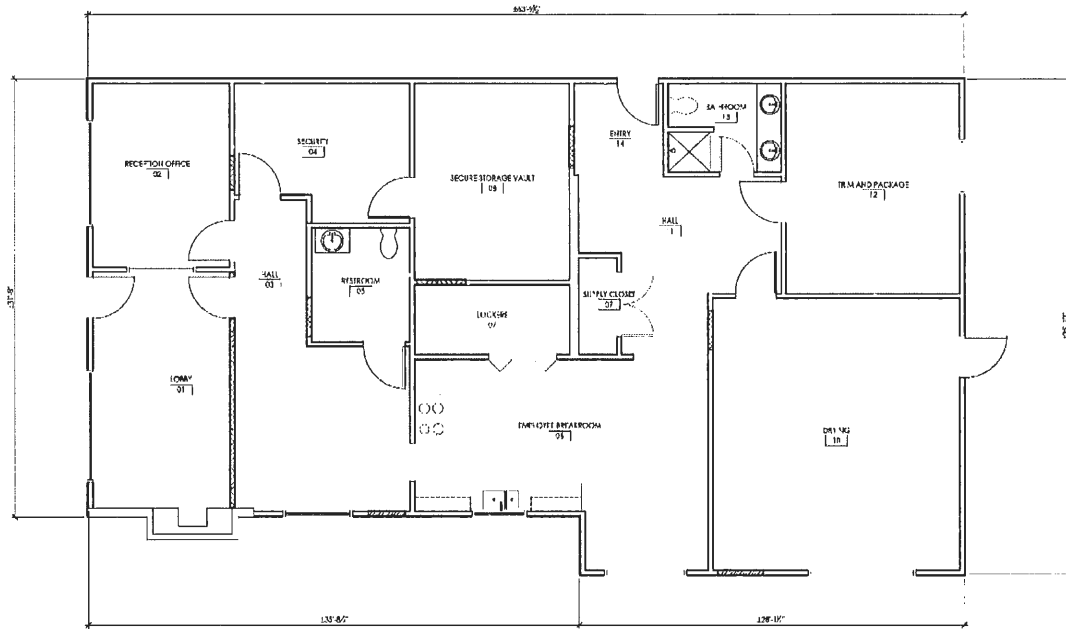
The proposed project does not have the potential to degrade the environment or eliminate a plant or animal community. The project would not result in significant cumulative impacts or cause substantial adverse effects on human beings, either directly or indirectly.

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

Attachment: (Map[s] or Project Site Plan[s])



Attachment: (Map[s] or Project Site Plan[s])



1 FLOOR PLAN
SCALE: 1/4"=1'-0"

PRESSEY ASSOCIATES

2015 H ST., THIRD FLOOR
SACRAMENTO, CA 95811
TEL 916-346-4280

▲
▲
▲
▲
▲

REVISION HISTORY

24707 S BIRD RD TRACY CUP

24707 S BIRD RD
TRACY, CA 95304

FLOOR PLAN

PROJECT NO.	21104
SCALE	
DATE	NOVEMBER 04 2021
DRAWN BY	XTL

A1.0

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